


1-1-1974

15. Book IV, Vol. 4: Events following the Watergate break-in, March 22, 1973 -April 30, 1973 (events relating to the President's investigation of the alleged Watergate break-in and cover-up between March 22 and April 30, 1973).

Don Edwards

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50. On April 15, 1973 the President met with John Ehrlichman from 10:35 to 11:15 a.m. Ehrlichman reported that he was meeting with Strachan. There was a discussion of the motive for payments to the defendants and of what Dean's defense might be to obstruction of justice charges.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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- 50.1 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.
 - 50.2 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, In re Grand Jury.
 - 50.3 Summary of White House edited transcript of a conversation between the President and John Ehrlichman from 10:35 to 11:15 a.m., April 15, 1973, prepared by House Judiciary Committee staff.

51. On April 15, 1973 the President met with Attorney General Kleindienst from 1:12 to 2:22 p.m. in the President's EOB office. Kleindienst reported to the President on the evidence against Mitchell, Dean, Haldeman, Ehrlichman, Magruder, Colson and the others. Kleindienst has testified that the President appeared dumbfounded and upset when Kleindienst told him about the Watergate involvement of Administration officials, and that the President did not state that he had previously been given this information by John Dean. The President asked about the evidence against Haldeman and Ehrlichman and made notes on Kleindienst's response. There was a discussion of the payments to the defendants and what motive had to be proved to establish criminal liability. There was discussion of the transfer of \$350,000 from the White House to LaRue. The President made a note: "What will LaRue say he got the 350 for?"

The Committee has subpoenaed the tape recording and other evidence of this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst. The President has produced an edited transcript of a recording of a portion of the conversation. A summary of that transcript has been prepared.

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- 51.1 Richard Kleindienst testimony, 9 SSC 3579-80, 3573, 3592.
 - 51.2 President Nixon notes, April 15, 1973, 3 (received from Watergate Grand Jury).
 - 51.3 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.

- 51.4 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, In re Grand Jury, 2.
- 51.5 President Nixon statement, November 12, 1973, 9 Presidential Documents 1330.
- 51.6 Summary of White House edited transcript of a conversation between the President and Richard Kleindienst from 1:12-2:22 p.m., April 15, 1973, prepared by House Judiciary Committee staff.

52. On April 15, 1973 from 2:24 to 3:30 p.m. the President met with Ehrlichman in the President's EOB office. From 3:27 to 3:44 p.m. the President spoke to Haldeman by telephone and discussed conflicts between the recollections of Magruder and Strachan concerning conversations about Watergate. At 3:48 p.m. the President returned a telephone call from Kleindienst and agreed to have Petersen join their upcoming meeting.

In response to the Committee's subpoena for the tape recording and other evidence of the President's meeting with Ehrlichman, his telephone conversation with Haldeman, and his telephone conversation with Kleindienst, the President has produced edited transcripts of the recordings of the Haldeman and Kleindienst telephone calls. Summaries of those transcripts have been prepared. The President has stated that the tape on the recorder for his EOB office had run out during his afternoon meeting of April 15, 1973 with Kleindienst and that no further conversations in that office were recorded.

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- 52.1 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.
 - 52.2 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, In re Grand Jury, 2.
 - 52.3 Summary of White House edited transcript of a conversation between the President and H. R. Haldeman from 3:27 to 3:44 p.m., April 15, 1973, prepared by House Judiciary Committee staff.
 - 52.4 Summary of White House edited transcript of a conversation between the President and Richard Kleindienst from 3:48 to 3:49 p.m., April 15, 1973, prepared by the House Judiciary Committee staff.

53. On April 15, 1973 Petersen and Kleindienst met with the President from 4:00 to 5:15 p.m. in the President's EOB office. Petersen has testified that he reported on the information that the prosecutors had received from Dean and Magruder and that his report included the following: that Mitchell had approved the \$300,000 budget for the Liddy "gemstone" operation; that budget information for "gemstone" and summaries of intercepted conversations were given to Strachan and that information given to Strachan was for delivery to Haldeman; that if the prosecutors could develop Strachan as a witness, "school was going to be out as far as Haldeman was concerned"; that Ehrlichman through Dean informed Liddy that Hunt should leave the country; and that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Hunt's office. Petersen has also testified that he recommended that Haldeman and Ehrlichman be dismissed, but Dean be retained while cooperating with the prosecutors. Petersen has testified that the President: exhibited a lack of shock and emotion; spoke well of Haldeman and Ehrlichman; suggested that Dean and Magruder were trying to exculpate themselves; suggested a cautionary approach to the granting of immunity; stated that he had first learned that there were more significant problems than he had anticipated on March 21, 1973, although he did not tell Petersen what Dean had told him on that date; stated that he had told Dean to write a report but that Dean had been unable to write a report; stated that he told Ehrlichman to conduct an investigation after Dean failed to deliver his report; stated that Haldeman and Ehrlichman had denied the charges against them; and requested that Petersen reduce to writing what he had said to the President about Haldeman and Ehrlichman.

The Committee has subpoenaed the tape recording and other evidence regarding this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst.

- 53.1 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.
- 53.2 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 2-12 (received from Watergate Grand Jury).
- 53.3 Henry Petersen testimony, 9 SSC 3627-29, 3632-35.
- 53.4 Henry Petersen testimony, In re Grand Jury, November 12, 1973, 1192-94.
- 53.5 Richard Kleindienst testimony, 9 SSC 3573, 3592.
- 53.6 Henry Petersen notes, Exhibit No. 147, 9 SSC 3875-76.
- 53.7 H. R. Haldeman testimony, 7 SSC 2903-04.
- 53.8 President Nixon notes, April 15, 1973, 4 (received from Watergate Grand Jury).
- 53.9 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 68-72 (received from Watergate Grand Jury).
- 53.10 President Nixon remarks, April 17, 1973, 9 Presidential Documents 387.

54. On April 15, 1973 the Watergate prosecutors interviewed John Dean. The prosecutors were informed that Gordon Liddy and E. Howard Hunt had participated in the break-in at the office of Daniel Ellsberg's psychiatrist. Dean stated that not all the material from Hunt's safe has been turned over to FBI agents after the Watergate break-in, but that certain materials from the safe were personally handed by Dean to Gray.

- 54.1 Henry Petersen testimony, 9 SSC 3624-25.
- 54.2 Memorandum from Earl Silbert to Henry Petersen, April 16, 1973, Exhibit 27, United States v. Russo.
- 54.3 John Dean testimony, 3 SSC 1014.
- 54.4 Henry Petersen testimony, Watergate Grand Jury, February 4, 1974, 24-25 (received from Watergate Grand Jury).

55. On April 15, 1973 at approximately 7:30 p.m., Ehrlichman requested a meeting with Dean. Dean's attorney discussed this request with Petersen who advised against such a meeting. Dean arranged to have the President told that Dean was acting out of loyalty to the President and that Dean felt the meeting requested by Ehrlichman was inappropriate at this time. The President telephoned Petersen and spoke with him from 8:14 to 8:18 p.m. and from 8:25 to 8:26 p.m. Petersen told the President about Ehrlichman's request to meet with Dean. The President asked if Petersen would have any objection to his meeting with Dean. Petersen said he had no objection. The President arranged to meet with Dean that evening.

In response to the Committee's subpoena for the tape recording and other evidence of the President's telephone conversations with Petersen, the President has produced edited transcripts of the recordings. A summary of these transcripts has been prepared.

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- 55.1 John Dean testimony, 3 SSC 1014-15.
 - 55.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 20-22 (received from Watergate Grand Jury).
 - 55.3 Henry Petersen testimony, 9 SSC 3635, 3648.
 - 55.4 Message from John Dean to the President, received by Lawrence Higby, 8:15 p.m., April 15, 1973, SSC Exhibit No. 34-48, 3 SSC 1313.
 - 55.5 Summary of White House edited transcript of a telephone conversation between H. R. Haldeman and Larry Higby, April 15, 1973, prepared by House Judiciary Committee staff.

- 55.6 Summary of White House edited transcript of a conversation between the President and Henry Petersen, 8:14 to 8:18 p.m., April 15, 1973, prepared by House Judiciary Committee staff.
- 55.7 Summary of White House edited transcript of a conversation between the President and Henry Petersen, 8:25 to 8:26 p.m., April 15, 1973, prepared by House Judiciary Committee staff.
- 55.8 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.

56. On April 15, 1973 from 9:17 to 10:12 p.m., the President met with John Dean in the President's EOB office. Dean has testified that he reported to the President that he had been to the prosecutors; that the President asked him about Haldeman's knowledge of the Liddy plans; that the President stated he had been joking when he said it would be easy to raise \$1 million to pay for maintaining the silence of the Watergate defendants; and that the President said in a nearly inaudible tone that he had been foolish to discuss Hunt's clemency with Colson. Dean also has testified that he told the President he had not discussed with the prosecutors his conversations with the President and that the President told him that he could not tell the prosecutors about national security matters or about any of the conversations between the President and Dean. Dean has testified that the nature of the President's questions led him to think that the President was taping the conversation. The President's notes of this meeting indicate that the President asked Dean what he had told Kalmbach about the purpose of the money and that Dean said he had briefed Haldeman and Ehrlichman every inch of the way. During this meeting the President telephoned Petersen from 9:39 to 9:41 p.m. and instructed Petersen to contact Liddy's attorney and tell him that the President wanted Liddy to tell everything he knows.

The President has stated that the tape on the recorder for his EOB office ran out on the afternoon of April 15, 1973. In response to the Committee's subpoena for the tape recording and other evidence of his

telephone conversation with Petersen, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

- 56.1 John Dean testimony, Watergate Grand Jury, February 14, 1974, 22-24 (received from Watergate Grand Jury).
- 56.2 John Dean testimony, 3 SSC 1015-17.
- 56.3 President Nixon notes, April 15, 1973, 1-2 (received from Watergate Grand Jury).
- 56.4 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.
- 56.5 White House memorandum of substance of Dean's calls and meetings with the President, SSC Exhibit No. 70A, 4 SSC 1800.
- 56.6 Summary of White House edited transcript of a telephone conversation between the President and Henry Petersen from 9:39 to 9:41 p.m., April 15, 1973, prepared by House Judiciary Committee staff.
- 56.7 Henry Petersen testimony, 9 SSC 3648.
- 56.8 President Nixon statement, November 12, 1973, 9 Presidential Documents 1331.

57. On April 15, 1973 from 10:16 to 11:15 p.m. the President met with H. R. Haldeman and John Ehrlichman in the President's EOB office. During this meeting Ehrlichman at the President's request telephoned Patrick Gray and discussed the documents taken from Hunt's White House safe and given to Gray by Dean in June 1972. Shortly thereafter Ehrlichman telephoned Gray and had a second conversation regarding the contents of Hunt's safe. Ehrlichman told Gray that Dean had told the prosecutors that he had delivered two of Hunt's files to Gray. Gray told Ehrlichman that he had destroyed the documents.

- 57.1 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.
- 57.2 John Ehrlichman testimony, 6 SSC 2615-16.
- 57.3 John Ehrlichman testimony, 7 SSC 2675-79.
- 57.4 John Ehrlichman testimony, Watergate Grand Jury, May 3, 1973, 177-79 (received from Watergate Grand Jury).
- 57.5 L. Patrick Gray testimony, Watergate Grand Jury, July 20, 1973, 113-18 (received from Watergate Grand Jury).
- 57.6 L. Patrick Gray testimony, 9 SSC 3470.
- 57.7 H. R. Haldeman deposition, Democratic National Committee v. McCord, May 22, 1973, 254-55.

58. On April 15, 1973 from 11:45 to 11:53 p.m., the President had a telephone conversation with Henry Petersen. The President told Petersen that he had met with Dean. There was also discussion of whether the President should ask Dean, Haldeman and Ehrlichman to resign. Petersen has testified that the President told him that Dean had given the President basically the same information which Dean had previously given to the prosecutors.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

58.1 Henry Petersen testimony, 9 SSC 3648.

58.2 President Nixon daily diary, April 15, 1973,
Exhibit 20, In re Grand Jury.

58.3 Summary of White House edited transcript of a
telephone conversation between the President and
Henry Petersen from 11:45 to 11:53 p.m., April 15,
1973, prepared by House Judiciary Committee staff.

59. On April 16, 1973 from 8:18 to 8:22 a.m. the President had a telephone conversation with John Ehrlichman. Ehrlichman has testified that the President stated he was going to ask Dean to resign or take a leave of absence because Dean apparently continued to have access to White House files and because the President and Dean then had basically an adversary relationship. From 9:50 to 9:59 a.m. the President met with Haldeman and Ehrlichman. There was a discussion of what the President would say to Dean and of what statement might be released to the press.

In response to the Committee's subpoena for the tape recording and other evidence of the conversation between the President, Haldeman and Ehrlichman, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

59.1 John Ehrlichman testimony, 7 SSC 2807-08.

59.2 President Nixon daily diary, April 16, 1973, Exhibit 21, In re Grand Jury.

59.3 Summary of White House edited transcript of a conversation among the President, H. R. Haldeman and John Ehrlichman from 9:50 to 9:59 a.m., April 16, 1973, prepared by House Judiciary Committee staff.

60. On April 16, 1973 the President met with John Dean from 10:00 to 10:40 a.m. The following is an index to certain of the subjects discussed in the course of that meeting:

TRANSCRIPT PAGE

President's request that Dean submit a letter of resignation or a request for a leave of absence, and discussion of other resignations.	1, 8, 11, 12, 51-53
March 21, 1973 conversation among the President, Dean, and Haldeman, and what Dean should say about that conversation.	17-21; 24-27
Whether the President would waive executive privilege.	22, 28
How events after the break-in and after March 21 would be described.	22-28; 42-43
What induced Magruder to talk and the President's desire to take credit for Magruder's cooperation.	31-34
President's statements to Dean that Dean should tell the truth.	34-35; 44
Executive clemency.	35-36; 46-48
President's statement that Dean was still his counsel.	38
What should be done about legal problems of White House aides.	38-42; 45-51

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- 60.1 President Nixon daily diary, April 16, 1973, Exhibit 21, In re Grand Jury.
- 60.2 Drafts of two letters to the President dated April 16, 1973, SSC Exhibit No. 34-49, 3 SSC 1314-15.
- 60.3 Tape recording of a conversation between the President and John Dean, April 16, 1973, 10:00 to 10:40 a.m., and House Judiciary Committee transcript thereof.

61. On April 16, 1973 from 10:50 to 11:04 a.m. the President, H. R. Haldeman and John Ehrlichman met. The President reported on his meeting with Dean. There was a discussion of a "scenario" of events after the President became aware that there were some discrepancies between what he had been told by Dean in the report that there was nobody in the White House involved.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

61.1 President Nixon daily diary, April 16, 1973,
Exhibit 21, In re Grand Jury.

61.2 Summary of White House edited transcript of a
conversation among the President, H. R. Haldeman
and John Ehrlichman from 10:50 to 11:04 a.m.,
April 16, 1973, prepared by House Judiciary
Committee staff.

62. On April 16, 1973 from 12:00 to 12:31 p.m., the President met with H. R. Haldeman. There was a discussion of what Haldeman might state publicly about his involvement in the transfer of cash from the White House to CRP.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

62.1 President Nixon daily diary, April 16, 1973,
Exhibit 21, In re Grand Jury.

62.2 Summary of White House edited transcript of a
conversation between the President and H. R.
Haldeman from 12:00 to 12:31 p.m., April 16, 1973,
prepared by House Judiciary Committee staff.

63. On April 16, 1973 from 1:39 to 3:25 p.m. the President met with Henry Petersen. Ronald Ziegler was also present from 2:25 to 2:52 p.m. During this meeting Petersen gave the President a report on the investigation and a written memorandum summarizing the prosecutors' evidence as of that time implicating Haldeman and Ehrlichman. There was discussion of whether the President should ask Haldeman and Ehrlichman to resign.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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- 63.1 Henry Petersen testimony, 9 SSC 3634.
 - 63.2 Memorandum from Henry Petersen to the President, April 16, 1973, SSC Exhibit No. 147, 9 SSC 3875-76.
 - 63.3 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 21-22 (received from Watergate Grand Jury).
 - 63.4 President Nixon daily diary, April 16, 1973, Exhibit 21, In re Grand Jury.
 - 63.5 Summary of White House edited transcript of a conversation between the President and Henry Petersen from 1:39 to 3:25 p.m., April 16, 1973, prepared by House Judiciary Committee staff.

64. On April 16, 1973 from 3:27 to 4:04 p.m. the President met with John Ehrlichman and Ronald Ziegler. There was a discussion of the information furnished by Henry Petersen.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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- 64.1 President Nixon daily diary, April 16, 1973, Exhibit 21, In re Grand Jury.
 - 64.2 Summary of White House edited transcript of a conversation among the President, John Ehrlichman and Ronald Ziegler from 3:27 to 4:04 p.m., April 16, 1973, prepared by House Judiciary Committee staff.

65. On April 16, 1973 from 4:07 to 4:35 p.m. the President met with John Dean. The following is an index to certain of the subjects discussed during that conversation:

TRANSCRIPT PAGE

Presidential statement in regard to Watergate.	1-3, 15, 18, 26
Haldeman, Ehrlichman and Dean's continued presence on the White House staff.	3-7, 24-25
Magruder's negotiations with the U. S. Attorneys.	8, 16-17
President's statement to Dean to tell the truth.	10
Dean's proposed testimony before the grand jury in regard to the issue of Haldeman's prior knowledge of the DNC break-in.	10-15
Possible discovery of Hunt and Liddy's involvement in Fielding break-in.	20-21
Senate Select Committee and the failure of "containment" during the past nine months.	22-24

65.1 President Nixon's Daily Diary, April 16, 1973, Exhibit 21,
In re Grand Jury.

65.2 Letter from John Dean to the President, April 16, 1973,
SSC Exhibit No. 34-50, 3 SSC 1316.

65.3 Tape recording of a conversation between the President
and John Dean, 4:07 to 4:35 p.m., April 16, 1973,
and House Judiciary Committee transcript thereof.

50. On April 15, 1973 the President met with John Ehrlichman from 10:35 to 11:15 a.m. Ehrlichman reported that he was meeting with Strachan. There was a discussion of the motive for payments to the defendants and of what Dean's defense might be to obstruction of justice charges.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

-
- 50.1 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.
 - 50.2 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, In re Grand Jury.
 - 50.3 Summary of White House edited transcript of a conversation between the President and John Ehrlichman from 10:35 to 11:15 a.m., April 15, 1973, prepared by House Judiciary Committee staff.

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

*Revised, 7/26/73

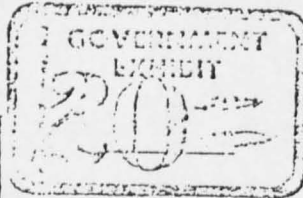
THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:09 a.m. SUNDAY



TIME		PHONE Placed Received		ACTIVITY
In	Out	To	ID	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

[3690]

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22		4	The President met with Attorney General Kleindienst.
2:00 ?	3:30		4	The President met with Mr. Ehrlichman.
3:27	3:44	P	4	The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R	4	The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15		4	The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P	4	The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

[3691]

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	ID	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15		✓	The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P	✓	The President talked with Mr. Petersen.
8:25	8:26	P	✓	The President talked with Mr. Petersen.
9:17	10:12		✓	The President met with his Counsel, John W. Dean III.
9:39	9:41	P	✓	The President talked with Mr. Petersen.
10:16	11:15		✓	The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P	✓	The President talked with Mr. Petersen.

THE WHITE HOUSE

WASHINGTON

July 24, 1973

MEMORANDUM FOR: MR. JACK NESBITT
Presidential Papers

FROM: TOM HART T.

SUBJECT: President's Daily Diary -
April 15, 1973

Your office has called my attention to the President's Daily Diary of April 15, 1973, particularly the discrepancies therein with certain individuals meeting the President and has asked for clarification on these points. I will try to give these clarifications to you to the best of my knowledge and recollection together with conversations I have had with others and their knowledge and recollection concerning this day.

1. The diary shows the President going to the Oval Office from the Residence at 10:35 a.m. and departing the Oval Office at 11:15 a.m. and returning to the Residence. There is an accompanying note from the Secret Service which states: "No meetings in Oval Office between 10:35 - 11:15 a.m." The President, in fact, did meet with John Ehrlichman in the Oval Office during this period of time. It probably went unnoticed by the Secret Service as Mr. Ehrlichman would probably have entered through the private door in Mr. Bull's office. I arrived at my office at approximately 11:00 a.m. and met Manolo Sanchez there. He told me that the President was meeting with Mr. Ehrlichman at that time. Mr. Sanchez and myself waited for the President to leave as we knew he was expected at the Yellow Oval Room on the second floor of the Residence to have coffee with the Reverend E. V.

Hill who was the Minister for the White House Worship Service that same morning. The President did leave his office at 11:15 a.m. and returned to the Residence alone. We were not sure exactly when Mr. Ehrlichman entered the Oval Office but it apparently was sometime between 10:35 and 11:00 a.m. when I had arrived. Mr. Sanchez confirms this information.

2. The diary shows that the President met with Attorney General Kleindienst beginning at 1:12 p.m. The Attorney General was over in the EOB outer office waiting for the President to arrive and as soon as he arrived they went in together. This is confirmed by Mr. Bull and Mr. Sanchez. The diary shows that the President met with John Ehrlichman at 1:24 until 3:30 p.m. Mr. Sanchez has told me that he recalls that Attorney General Kleindienst met with the President alone until he left and then approximately five or ten minutes after he left Mr. Ehrlichman came in and met with the President alone. Therefore, I believe that Mr. Ehrlichman met with the President at some point after the Attorney General left at 2:22 p.m. The EPS log showed Mr. Ehrlichman in at 1:24 p.m. It probably should have read 2:24 p.m. Mr. Sanchez recalls that Mr. Ehrlichman met with the President alone for forty-five minutes to an hour.
3. The diary shows that the President met with Mr. Rebozo from 3:25 until some time after 5:00 p.m. This is erroneous as Mr. Rebozo did not meet with the President that afternoon. This information probably came from the EPS log which shows that Mr. Rebozo entered the complex of EOB offices at that time but to the recollection of Mr. Sanchez and of Colonel Golden who was the duty Military Aide that day, Mr. Rebozo waited outside the President's EOB office with Colonel Golden and Mr. Sanchez until shortly after 4:00 p.m. when Attorney General Kleindienst and Assistant Attorney General Henry Petersen entered to meet with the President. Mr. Rebozo then returned to the Residence. Mr. Rebozo did accompany the President when he left his EOB office at 5:25 p.m. to go out for a boat ride on the Sequoia. I believe that these discrepancies have arisen in the log because of the fact that the true times

3.

kept for persons meeting with the President in his EOB office are generally kept by the receptionist who sits outside his door there and that on this particular day which was a Sunday there was no receptionist there because there is generally no need for one as the President does not usually have such meetings on a Sunday. When such meetings do occur when the receptionist is not there, your office generally relies on the EPS log for meeting information. This can be erroneous as a person can be logged as to entering the complex of the President's EOB office without that person entering the inner-office and meeting there with the President. This, I suspect, was the problem with the discrepancies that your office has called our attention to on that particular day.

SUMMARY OF EDITED WHITE HOUSE TRANSCRIPT

April 15, 1973, 10:35 a.m. to 11:15 a.m.

On April 15, 1973 the President and Ehrlichman met in the Oval Office from 10:35 a.m. to 11:15 a.m. The President asked who Ehrlichman had seen this morning, and Ehrlichman replied "I have Strachan up there right now." (p. 1) The President told Ehrlichman that he received a call from Kleindienst, who told him that he had been up most of the night with Titus (U. S. Attorney) and Petersen, and that he wanted to see the President alone that afternoon. Ehrlichman said Kleindienst "obviously got Titus in to find out what the progress is in the Grand Jury." (p. 2)

The President asked Ehrlichman what line Ehrlichman wanted to take with regard to the special prosecutor thing. Ehrlichman replied that Kleindienst wants it, so that "He can stay on [as Attorney General] and . . . so that he personally doesn't taint the process by reason of his closeness to Mitchell. And that makes sense. Sneed does not have that problem, and Sneed is controllable within limits, and I think he is credible. I may be wrong about his credibility." (p. 2) The President replied that "I agree with this, I think he's credible." The President went on to say "The reason I think he's credible is something else -- is that the Grand Jury I assume (unintelligible) come through with some indictments. I mean, suppose they just indict Magruder and Mitchell (unintelligible)." The President said, "Well, that's the fish. . . . The big fish," and "Damn it, what more do they want? Now what's the problem with the special prosecutor? As I see it, it just puts another

(unintelligible) loose (unintelligible) around there." (p. 3)

Ehrlichman said the special prosecutor will second-guess Silbert and, Ehrlichman assumed, "will feel that his mandate is to . . .," and the President interjected, "Tear hell out of the place?" Ehrlichman said "And -- that's just an additional risk which you wouldn't have with the Dean whose been a part of the process." The President said, "(Unintelligible) with him (unintelligible) myself (unintelligible). If not then, let's face it, he hasn't been very helpful throughout this thing," to which Ehrlichman responded "That [sic] right. (Unintelligible) he stood as far away from it as he could get." (pp. 3-4) The President said "And Mitchell let it get away from him. A little (unintelligible). Is that what he said to you?", to which Ehrlichman said "Yeah. He expressed real bitterness." (p. 4)

The President then asked "You didn't get Colson yet?" Ehrlichman said he did not, but he would see him while the President was seeing Kleindienst. The President asked "I suppose Colson is (unintelligible) Hunt, and Bittman which, of course, tie Colson in, right?" Ehrlichman said "Yeah," and the President said "Up to his navel. There's not a damn thing you can do about that is there John?" Ehrlichman replied "No, really not, not at this point. You have to depend on Hunt's natural secrecy and secretiveness." The President said "John, there is nothing in it for Hunt (unintelligible) go back over everything he's done prior to that time." After Ehrlichman said "Well . . .," the President said "There might be something?" (p. 4)

Ehrlichman then said that Hunt "apparently . . . has perjured himself a second time." Ehrlichman said "Gee, he perjured himself at the

trial, then he was granted immunity, came back into the Grand Jury, and perjured himself again. The U. S. Attorney is looking down his throat and could say to him look, I can forget some of these counts if you're a good boy now." The President said "the point . . . I make is . . . the limits of his testimony," and commented "If he testifies just on Watergate that's fine. He isn't going to get a damn thing more than anybody else." Ehrlichman replied "I don't see any incentive for him to go broader, and I haven't heard a whiff of that." (pp. 4-5)

The President apparently asked Ehrlichman if he had talked with Strachan. Ehrlichman replied "Yes, sir, just about ten minutes ago. And I've been doing all the talking so far." A discussion followed in which the President made the comment "(Unintelligible) any (unintelligible) for removing him?" Ehrlichman said "Not yet. Not yet." The President said "He's a good man -- good man," and Ehrlichman said "I think he, I think he'll do fine." The President further said "(Unintelligible) you expect any one (unintelligible) I was cogitating last night, and we've got the people that can -- I mean on the obstruction of justice thing, which I think is our main problem at this time -- well of course it is the main problem because it involves the other people." The President said "Otherwise it's just Chapin . . . and Mitchell . . . and Magruder . . . possibly Dean" Ehrlichman said "Mardian and LaRue;" The President asked, referring to LaRue, "They got him on that too?" Ehrlichman said "Yeah. Yeah." The President asked "You mean Magruder has" and when Ehrlichman confirmed that, the President said "That's going to be hard. This fellow's lied twice to (unintelligible)?" (pp. 6-7) The President said "The people you've got with obstruction are Hunt and Goldblatt and Bittman, right?" Ehrlichman corrected him by saying Rothblatt. Ehrlichman said he would be surprised if Bittman testified because he

guessed Bittman worked himself out of a haven; and the President said "Wouldn't serve his interests to get involved in the obstruction of justice. He's basically almost a bag man, not a bag man, but a message carrier, isn't he?" Ehrlichman said, "No, no. -- was an instigator --. He was concerned about his fee . . . so he was one of the active promoters of that as near as I can tell." (pp. 7-8)

The President asked Ehrlichman "What was involved . . . from our side, our guys" on "the obstruction thing." Ehrlichman replied "you had defendants who were concerned about their families," lawyers concerned about their fees, and "You had a campaign organization that was concerned about the success of its campaign . . . and didn't want these fellows to say anything in public that would disrupt the campaign." The President asked "Is that legitimate to want people not to say . . . something in public that would disrupt the campaign or because it would embarrass people?" Ehrlichman said "Sure," and the President said "Cover up, you mean?" Ehrlichman said "It would impeach the campaign in effect. But at the same time a lot of those same people who had that legitimate motive . . . had an illegitimate motive because they were involved in protecting their own culpability and here were talking about LaRue, Magruder, Mitchell possibly." The President asked "(Unintelligible) they wanted the defendants to shut up in court?" and Ehrlichman said "Certainly, certainly." (pp. 8-9)

The President said "now let's take Dean . . . [a]s a case in point. . . . we could get him out of it -- he could weasel out he

says he's not involved in the prying." Ehrlichman pointed out Dean "was in touch with these committee people who could to Dean express a benign motive and at the same time had a corrupt motive." "If I were Dean," Ehrlichman said "I would develop a defense that I was being manipulated by people who had a corrupt motive for ostensibly a benign motive." (pp. 9-10)

The President said "Some did have benign motives." The President stated "it's only tangentially that it touches you and Bob. You know what I mean that somebody came to you I mean you said go talk to Kalmbach." Ehrlichman said that "the thing that ran through my mind . . . was Howard Hunt has written 40 books" and was worried about the support of his family, that he could see "Hunt writing an inside expose of how he broke into the Democratic National Headquarters at the request of the Committee to Re-elect the President." (pp. 10-11)

Ehrlichman said "Now, if I had a choice between getting contributions for the support of Howard Hunt's family." The President said "Yeah. And that's . . ."; Ehrlichman said "And that was pretty easy" (pp. 10-11); and the President said "And I suppose they would say though that" Ehrlichman said "Oh, didn't care what Howard Hunt said to the Prosecutor. He can say anything he wanted to the prosecutor in a secret -- in a secret session. That didn't hurt us," and the Grand Jury was operating at that time in secret and the case did not come to trial until after the election. The President said "I think (unintelligible) it was -- nobody was trying to keep him from telling the truth to the Grand Jury -- to shut him up to the Grand Jury?" (pp. 11-12) Ehrlichman replied "I can say in truth and candor that

Dean never explained to me that there was any kind of a deal to get these guys to lie or to change their stories or to refuse to testify to the trial of the action or anything of that kind. That was just never discussed. So I don't feel too uncomfortable with this." (p. 12)

Discussion turned to the possible resignation of Kleindienst, Ehrlichman saying if Kleindienst resigns, "that says there is something wrong with the Justice Department." The President said "So you would keep him," and Ehrlichman said "At this point." (p. 12) "Even if he disqualifies himself?" the President asked, and Ehrlichman said "That's right -- which wouldn't be anything too new" to which the President said "Sure."

Ehrlichman told the President he had a call in for Kleindienst but that "Titus would have told him last night what Magruder said, and so he will, this morning, have I think as much knowledge about this thing as we have." (pp. 12-13)

The President asked about the statement of Magruder's attorneys that the prosecutors were "hot in going after Colson," that "The reason there of course is Hunt," although "Magruder had nothing on Colson." (pp. 13-14) Ehrlichman said "The one phone call is the only incident that he has to relate." The President asked Ehrlichman "What do you do about Colson, John?" Ehrlichman replied "I don't think there's much to do at this point. He's . . . building his own defenses. I assume that he's doing whatever has to be done with Hunt -- that only he could do. . . . he's, I'm sure, has had surreptitious contact with Hunt." The President said "Yeah. He says (unintelligible) take care of your kids." Ehrlichman said "And I think Chuck's natural proclivities will,"

and the President stated "Do everything;" Ehrlichman said "do anything we can possible [sic] do." (pp. 14-15)

The President asked "what could Liddy (unintelligible) to corroborate Magruder?" Ehrlichman responded that "Magruder gives them everything they could have hoped to get from Liddy." The President then said "(Unintelligible) -- How do you get Liddy's sentence cut down? (Unintelligible)." Ehrlichman replied "It may be too late for him." They discussed why Liddy did not talk, what kind of person Liddy was, and that there were all kinds of stories about Liddy. (p. 15)

Regarding Kleindienst, the President said "Well look, I'll just listen to him. He has come in so often," and "I can say on ITT, of course, we didn't -- my basic responsibility (unintelligible) McClaren settled this case or something like that" Ehrlichman said "No, that wasn't to settle a case" or "to file an action." Ehrlichman said "You remember they were about to file a law suit and . . . Flanigan found out about it," and Ehrlichman came and told the President about it. The President asked "Why" and Ehrlichman said "(Unintelligible) may have forgotten the details," The President asked "Why didn't we think they should file an action? . . . I am sure it was a good reason" Ehrlichman said "Yeah. We had a run . . .," and the President interjected "a runaway antitrust division at that point. Yeah, and I had been raising hell with McClaren . . . on all this, and I said now this is a violation of my policy . . . (Unintelligible) a violation of rules that I had laid down with McClaren." Ehrlichman said "I will testify to my dying day that our approach to antitrust cases as (unintelligible) virtually without variation, on policy rather

than the merits of the individual case." Ehrlichman continued "There was one exception to that . . . that Granite City Steel case where we criticized their analysis -- the Council of Economic Advisers did." (pp. 16-17)

The President said "What the hell was it, John that (unintelligible) Kleindienst. Here's this guy, you know, who is really good-hearted and worked hard and all that sort of thing and went down to the wire and so forth. His advice has been just wrong." (p. 18) Ehrlichman said "I think he felt, and I have not talked to him about this, but I think he felt that if he involved himself in this case at all in Mitchell's behalf, that eventually it would have tainted the whole proceeding and maybe redounded to Mitchell's disadvantage --." The President said "Right . . . Oh I suppose that's (unintelligible)." Ehrlichman said "and that Mitchell's best chance --" and the President said "I'm not speaking in Mitchell's behalf but I am just thinking of -- just so that we would be (unintelligible), or try to know how (unintelligible)." (p. 18) The President said "All you ever asked was the general question, what's going on." (p. 18)

Ehrlichman said "I may have told you about this, but the U. S. Attorney now feels Dean that overreached them by providing information out of the Grand jury to the Committee for the Re-election. I think that may be legitimate criticism if he in fact did that. On the other hand, for him to provide us with information inside, for the orderly operation of the government, is another matter. That's two quite different things. If you peddle information from a Grand Jury to the outside, or if you

peddle it inside to people who are responsible." (p. 19) Ehrlichman informed the President that Dean had information on who was going to be called as witnesses, so that apparently Mardian "was able to get around and coach witnesses." Ehrlichman said "In some cases Mardian, I guess, was very heavy-handed about it, and --," and the President said "Well, is there anything wrong with that?" Ehrlichman said, "Yeah, well there's something wrong with --," and the President asked "He was not their attorneys [sic] is the problem?" (p. 19) Ehrlichman said, "Well, no, the problem -- the problem is he asked them to say things that weren't true." The President said "Oh." (pp. 19-20)

Ehrlichman said that Porter, who worked for the Committee, was asked about "higher-ups" and "apparently passed money to Liddy from Sloan and was privy to quite a lot of information," had been coached and would "probably be indicted." The President asked why the Grand Jury did not indict him, and Ehrlichman said they didn't have the evidence because "There was a cover story which Mardian and others cooked up, and Porter, who corroborated the cover story, is now indictable for perjury. He is a little fish who got caught in the net." (pp. 20-21)

The President said "Poor son of a bitch. It's wrong. It's wrong." Ehrlichman said "The whole thing is just monumentally tragic." The President then said "Dean is concerned, and concerns me." The President said "I don't think he could have been that active in the pre -- the post yes -- the pre things. Magruder, Magruder may be (unintelligible) a little (unintelligible) in some of that stuff." (p. 21) They discussed briefly Dean's story about meetings in the

Attorney General's office, what Magruder said he approved and Mitchell disapproved, and a meeting in Florida about the final Liddy proposal. (pp. 21-22) Ehrlichman said he assumed Magruder told Dean about three places on the list -- Watergate, Fontainebleu, and the McGovern Headquarters. (pp. 22-23)

Ehrlichman said that Mitchell phoned this morning to say that Daniel Schorr had been on the shuttle when he rode back to New York, and that CBS sent somebody out to the airport. Ehrlichman said Mitchell told Ehrlichman that Mitchell "said to Schorr he didn't know anything about the Watergate, and he didn't think anybody cared about the Watergate, and he had just been down to the White House and he hadn't seen the President. That was all that he said. He is looking forward to testifying before the Ervin Committee, and so forth. So he called me this morning just to say that . . . he wanted us to know what he had actually said in case there was any press report to the contrary." The President said "Well Ziegler should simply say, yes he was here to see you (unintelligible) it's true (unintelligible)." (p. 24) Ehrlichman said "Don't have any comment on that," and the President said apparently referring to what Ziegler should say, "I have no information on the subject."

There was some discussion about news stories and polls and the President said "Seriously, it's a hell of a Washington story." (p. 27) At the end of the transcript there is a notation "MATERIALS NOT RELATED TO PRESIDENTIAL ACTIONS DELETED."

51. On April 15, 1973 the President met with Attorney General Kleindienst from 1:12 to 2:22 p.m. in the President's EOB office. Kleindienst reported to the President on the evidence against Mitchell, Dean, Haldeman, Ehrlichman, Magruder, Colson and the others. Kleindienst has testified that the President appeared dumbfounded and upset when Kleindienst told him about the Watergate involvement of Administration officials, and that the President did not state that he had previously been given this information by John Dean. The President asked about the evidence against Haldeman and Ehrlichman and made notes on Kleindienst's response. There was a discussion of the payments to the defendants and what motive had to be proved to establish criminal liability. There was discussion of the transfer of \$350,000 from the White House to LaRue. The President made a note: "What will LaRue say he got the 350 for?"

The Committee has subpoenaed the tape recording and other evidence of this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst. The President has produced an edited transcript of a recording of a portion of the conversation. A summary of that transcript has been prepared.

51.1 Richard Kleindienst testimony, 9 SSC 3579-80, 3573, 3592.

51.2 President Nixon notes, April 15, 1973, 3 (received from Watergate Grand Jury).

51.3 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.

- 51.4 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, In re Grand Jury, 2.
- 51.5 President Nixon statement, November 12, 1973, 9 Presidential Documents 1330.
- 51.6 Summary of White House edited transcript of a conversation between the President and Richard Kleindienst from 1:12-2:22 p.m., April 15, 1973, prepared by House Judiciary Committee staff.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

96-296 O

WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$3

nity and that his statements to them were on a conditional basis through his attorney predicated upon whether he got immunity or not.

Mr. THOMPSON. You went to see the President on the 15th?

Mr. KLEINDIENST. Yes, sir.

Mr. THOMPSON. The same day.

Did you tell him substantially what they had told you?

Mr. KLEINDIENST. To the best of my ability because I took the notes that I had written on my wife's stationery and had them in my pocket and I read from my notes.

Mr. THOMPSON. And what was the President's reaction?

Mr. KLEINDIENST. He was dumbfounded. He was very upset, he was—he was very upset.

Mr. THOMPSON. I believe you mentioned in an interview that he was partially consoling you.

Mr. KLEINDIENST. Well, I was very upset about this, Mr. Thompson. I don't think since my mother died when I was a young boy that I ever had an event that has consumed me emotionally with such sorrow and sadness as this situation and he was very considerate of my feelings.

Mr. THOMPSON. Mr. Kleindienst, did you have occasion at any time after the break-in in 1972 to talk to the President either in person or by telephone about the Watergate matter?

Mr. KLEINDIENST. I didn't—I know I had a conversation with him almost immediately afterward.

Mr. THOMPSON. Do you recall what was said in that conversation?

Mr. KLEINDIENST. Well, what was said about that is, he said, Dick, I told him what we were doing and he said, Dick, you have got to have a thorough intensive complete investigation of this and I think that that is when he first said let the chips fall where they will.

During the summer, we had the Republican Convention. I was gone for approximately a month up in the Poconos and then the campaign came along. I didn't have many conversations with the President during that period of time, none that I can specifically recall. I had two meetings with him up at Camp David after the election and after I had returned from Europe. We didn't have to talk much about the Watergate, I knew what I was doing, he knew what I was doing, but the extent to which it was brought up was in the same context.

Mr. THOMPSON. Mr. Kleindienst, I have no further questions.

Thank you, sir.

Senator ERVIN. Did John Ehrlichman tell you he was bugging, I use that word unadvisedly, rather recording your conversation with him?

Mr. KLEINDIENST. No, sir. If I ever felt he had I don't know if I would have ever talked to him again.

Senator ERVIN. You stated, as I understand your testimony, that the President indicated by his conversation, when you reported what you knew about the Watergate affair to him, that—

Mr. KLEINDIENST. What meeting are you talking about, Mr. Chairman?

Senator ERVIN. The 15th.

Mr. KLEINDIENST. Yes, sir.

Senator ERVIN [continuing]. That he indicated by his reply that he did not know—that he was ignorant about the Watergate affair?

Mr. KLEINDIENST. Well, I would say that the information, the nature that I described with him, would have come to his attention contemporaneously. If Mr. Ehrlichman is talking to Magruder all afternoon the day before I would just assume, although he didn't say, that Mr. Ehrlichman would have made a report like this to the President. But I would gather from my meeting with the President that he had no such knowledge until immediately prior to my meeting, Mr. Chairman.

Senator ERVIN. Now, do you agree with me that of all of the human beings on the face of the Earth that the one who knows most about this is the President himself, that is, about the President's state of knowledge?

Mr. KLEINDIENST. You mean the one person who most—knows most about this situation?

Senator ERVIN. The one who knows more about what the President's state of knowledge was between June 17, 1972, and April 15, 1973, is the President himself?

Mr. KLEINDIENST. Well, Mr. Chairman, I would agree that the President knows more about what he knows than I know what he knows.

Senator ERVIN. That is what I meant.

In July, sometime between July 7 and August 9, I believe you said, John Ehrlichman called Henry Petersen and entered a protest that the prosecuting attorneys were harassing Secretary Stans because they were calling upon him to perform an obligation which devolves upon all citizens of the United States.

Mr. KLEINDIENST. That is essentially it. I think Mr. Petersen will be a better witness as to the consideration between Mr. Ehrlichman. My attention really wasn't so much consumed with what Ehrlichman said to Petersen and Petersen said to Ehrlichman. I was interested in Mr. Ehrlichman not giving directions to people in my department.

Senator ERVIN. Yes.

Here was a person that had been delegated by the President with tremendous governmental power, John Ehrlichman, undertaking to dictate to the Department of Justice how witnesses should be treated?

Mr. KLEINDIENST. Yes. I think Mr. Ehrlichman made a mistake on that; he never did it again and he probably wishes he hadn't done it.

Senator ERVIN. As I understand from your testimony—if I am wrong you let me know—you agree that Assistant Attorney General Petersen could excuse Stans from going before the grand jury and let him testify by deposition in some private offices or public offices apart from the grand jury?

Mr. KLEINDIENST. Mr. Petersen made that recommendation to me and I will take the full responsibility for that, Senator Ervin.

Senator ERVIN. Well, that troubles me a little bit because of my conviction that all men, regardless of whether they are princes or peasants or former Cabinet members and just ordinary Americans, ought to be treated equal before the law.

It also gives me misgivings for another reason. Under the statute we have grand juries composed of anywhere from 16 to 23 men, and it is a part of the judicial process that they shall have an opportunity to cross-examine a witness.

I was up at 8:30 a.m. As a result of that meeting we agreed that I had to see the President. I put a call in to the White House at 8:30 a.m., the President returned my call at 9:30 a.m. I told him it was absolutely imperative that I see him right away. He said that I have the Sunday service at the White House at 11 a.m. I told him that rather than go to church with my wife and children I would go up there and attend that service at 11 o'clock and be available to see him after that was over.

I think the reception lasted until approximately 1 o'clock and around 1 o'clock in the afternoon I met with the President in his office in the Executive Office Building.

Mr. DORSEN. Now, am I correct that at least part of the meeting was devoted to briefing the President and that one of the decisions made on the afternoon of April 15 by you would be that you would in effect withdraw from the supervision of the prosecution of the Watergate case?

Mr. KLEINDIENST. The whole meeting was devoted solely to talking about the information that I had obtained that night and the consequences that inevitably must flow from it.

Mr. DORSEN. Now, I would like to show to you a document which you provided the committee dated April 15, 1973. The first page is typewritten. The page under it is handwritten. I ask if you can identify that for the committee?

Mr. KLEINDIENST. Yes. I know what you have in your hand, Mr. Dorsen. I furnished it to the committee. The document underneath, in my handwriting, is a document that I wrote out in my office in the presence of Mr. Petersen after he and I had met with the President of the United States in which I set forth the reasons why I had to recuse myself from any further contact or involvement in the Watergate case and in which I designated him to substitute for me as the Attorney General of the United States in anything further concerning the Watergate case.

I further requested that he communicate this decision of mine to—in the contents of this memorandum to U.S. Attorney Titus, Silbert, and to Acting Director Gray of the FBI. I signed it and I had Mr. Petersen sign it indicating the time that he received it. It was important for me to establish the time when I no longer had any connection with the Watergate thing.

I then Xeroxed a copy of my handwritten statement and gave it to him and I kept the original. And this is it—the top document that you handed me is a typed document of my handwritten document.

Mr. DORSEN. Mr. Chairman, I request that the document identified and summarized by Mr. Kleindienst be admitted into evidence.

Senator ERVIN. It will be received and appropriately marked as an exhibit and admitted in evidence as such.

[The document referred to was marked exhibit No. 145.*]

Mr. DORSEN. What does the word "recuse" mean in this context?

Mr. KLEINDIENST. It is a technical word used by lawyers and particularly those in Government service which signifies that for one reason or another, usually ethical reasons, that you withdrew from any further participation in a particular matter.

*See p. 3560.

Senator GURNEY. The problem, I guess, was that there was a coverup and people weren't advancing information.

Mr. KLEINDIENST. I have arrived at that conclusion, Senator Gurney.

Senator GURNEY. I think that is what we found here in these many weeks.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. One question on that meeting with the President. I am not sure that it was covered.

Mr. KLEINDIENST. What meeting is that?

Senator GURNEY. This is the April 15, Sunday meeting.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. Did the President ever—did he tell you in the meeting what he had been advised previously by John Dean?

Mr. KLEINDIENST. No, sir; not to my recollection.

Senator GURNEY. That was not discussed?

Mr. KLEINDIENST. No. I was more interested in telling him what I knew and then dealing with the consequences of that knowledge on my part, my own deep feelings and what to do next. The decision to—my recommendation to—have Henry Petersen act in my place and stead—getting Henry—Henry was working on his boat and came into his first meeting with the President with tennis shoes and a dirty T-shirt, very embarrassed—going back to my Department—executing a document by which I recused myself, and then going home.

Senator GURNEY. Your logs show a number of phone calls and meetings during this period of time from the June 17 break-in until, well, through almost your resignation, phone calls with Colson, for example. Did those cover Watergate at all?

Mr. KLEINDIENST. I never recall ever talking about Watergate with Mr. Colson.

Senator GURNEY. There are also a number of telephone conversations with Mr. LaRue. Did you ever discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. And also one or two with Haldeman. Did you discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. There were a few phone calls with Mr. Krogh. What were they the subject of?

Mr. KLEINDIENST. I think that was brought to my attention by Mr. Haire of your committee yesterday. That I had some conversations with Mr. Krogh on Monday the day before the general election. I think you will also see on that day there must have been 60 or 70 calls, and I had meetings with Mr. Colburn who was Director of the U.S. Marshal Service and Chief Wilson of the Metropolitan District Police. Those conversations had to be with respect to problems involving demonstrators in anticipation of the election returns the next day.

Senator GURNEY. They had—

Mr. KLEINDIENST. Mr. Krogh, one of his assignments was to coordinate on behalf of the White House, District of Columbia, and Department of Justice in this situation; nothing with respect to this situation, Dr. Ellsberg, or anything else. I never heard of the so-called Plumbers until it became publicly revealed.

~~Sett~~
Barnaby Sears - chief trial lawyer
suggested by - as spec Prosecutor
Berger suggested him also -

Klausewitz - DV

14-15-73

E - (Conditional Statement)

Deen -

Deep Six documents -
get Hunt out of country

Walden:

Stokes -

will give testimony - H had

papers indicating Liddy was in
Jedon digging -

4350,000 - to Labue -

Bornman Sears -

✓

Liddy - has not talked -

Hunt =

My opposite - Speech

What will Labue say he
got the 350 for? -

Gray - documents

DV

000003

[3719]

PLACE DAY BEGAN

*Revised, 7/26/73

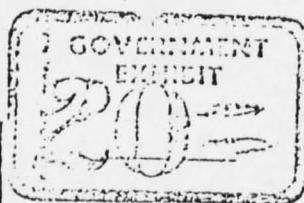
THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:09 a.m. SUNDAY



ACTIVITY 51.3 President Nixon daily diary

TIME		PHONE P=Placed R=Received		
In	Out	To	ID	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R	4	The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R	✓	The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15		✓	The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Source: Nixon # 47-73 June 1971 Jan. 1972 [3721] Recording

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LI	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22		4	The President met with Attorney General Kleindienst.
2:30 ?	3:30		4	The President met with Mr. Ehrlichman.
3:27	3:44	P	4	The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R	4	The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15		4	The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P	4	The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

[3722]

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15		✓	The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P	✓	The President talked with Mr. Petersen.
8:25	8:26	P	✓	The President talked with Mr. Petersen.
9:17	10:12		✓	The President met with his Counsel, John W. Dean III.
9:39	9:41	P	✓	The President talked with Mr. Petersen.
10:16	11:15		✓	The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P	✓	The President talked with Mr. Petersen.

THE WHITE HOUSE

WASHINGTON

July 24, 1973

MEMORANDUM FOR: MR. JACK NESBITT
Presidential Papers

FROM: TOM HART T.

SUBJECT: President's Daily Diary -
April 15, 1973

Your office has called my attention to the President's Daily Diary of April 15, 1973, particularly the discrepancies therein with certain individuals meeting the President and has asked for clarification on these points. I will try to give these clarifications to you to the best of my knowledge and recollection together with conversations I have had with others and their knowledge and recollection concerning this day.

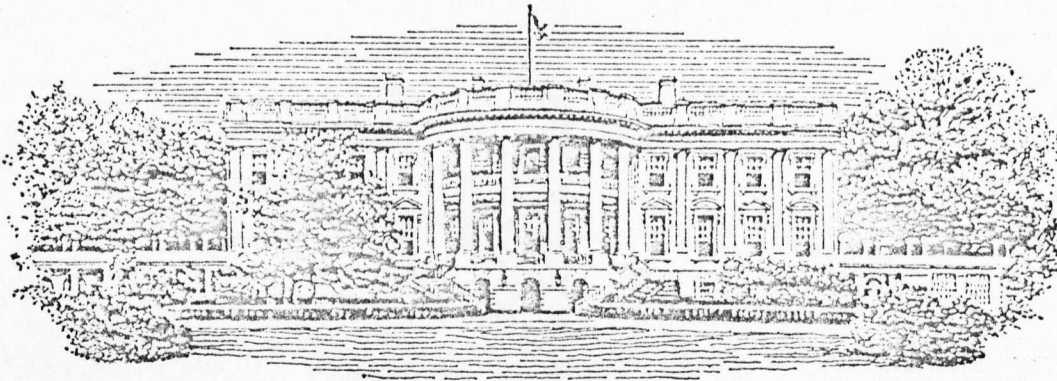
1. The diary shows the President going to the Oval Office from the Residence at 10:35 a.m. and departing the Oval Office at 11:15 a.m. and returning to the Residence. There is an accompanying note from the Secret Service which states: "No meetings in Oval Office between 10:35 - 11:15 a.m." The President, in fact, did meet with John Ehrlichman in the Oval Office during this period of time. It probably went unnoticed by the Secret Service as Mr. Ehrlichman would probably have entered through the private door in Mr. Bull's office. I arrived at my office at approximately 11:00 a.m. and met Manolo Sanchez there. He told me that the President was meeting with Mr. Ehrlichman at that time. Mr. Sanchez and myself waited for the President to leave as we knew he was expected at the Yellow Oval Room on the second floor of the Residence to have coffee with the Reverend M. V.

Hill who was the Minister for the White House Worship Service that same morning. The President did leave his office at 11:15 a.m. and returned to the Residence alone. We were not sure exactly when Mr. Ehrlichman entered the Oval Office but it apparently was sometime between 10:35 and 11:00 a.m. when I had arrived. Mr. Sanchez confirms this information.

2. The diary shows that the President met with Attorney General Kleindienst beginning at 1:12 p.m. The Attorney General was over in the EOB outer office waiting for the President to arrive and as soon as he arrived they went in together. This is confirmed by Mr. Bull and Mr. Sanchez. The diary shows that the President met with John Ehrlichman at 1:24 until 3:30 p.m. Mr. Sanchez has told me that he recalls that Attorney General Kleindienst met with the President alone until he left and then approximately five or ten minutes after he left Mr. Ehrlichman came in and met with the President alone. Therefore, I believe that Mr. Ehrlichman met with the President at some point after the Attorney General left at 2:22 p.m. The EPS log showed Mr. Ehrlichman in at 1:24 p.m. It probably should have read 2:24 p.m. Mr. Sanchez recalls that Mr. Ehrlichman met with the President alone for forty-five minutes to an hour.

3. The diary shows that the President met with Mr. Rebozo from 3:25 until some time after 5:00 p.m. This is erroneous as Mr. Rebozo did not meet with the President that afternoon. This information probably came from the EPS log which shows that Mr. Rebozo entered the complex of EOB offices at that time but to the recollection of Mr. Sanchez and of Colonel Golden who was the duty Military Aide that day, Mr. Rebozo waited outside the President's EOB office with Colonel Golden and Mr. Sanchez until shortly after 4:00 p.m. when Attorney General Kleindienst and Assistant Attorney General Henry Peterson entered to meet with the President. Mr. Rebozo then returned to the Residence. Mr. Rebozo did accompany the President when he left his EOB office at 5:25 p.m. to go out for a boat ride on the Sequoia. I believe that these discrepancies have arisen in the log because of the fact that the true times

kept for persons meeting with the President in his EOB office are generally kept by the receptionist who sits outside his door there and that on this particular day which was a Sunday there was no receptionist there because there is generally no need for one as the President does not usually have such meetings on a Sunday. When such meetings do occur when the receptionist is not there, your office generally relies on the EPS log for meeting information. This can be erroneous as a person can be logged as to entering the complex of the President's EOB office without that person entering the inner-office and meeting there with the President. This, I suspect, was the problem with the discrepancies that your office has called our attention to on that particular day.



Weekly Compilation of 005081
**PRESIDENTIAL
DOCUMENTS**

Monday, November 19, 1973



Volume 9 • Number 46

Pages 1329-1343

Administration of Richard Nixon

PRESIDENTIAL DOCUMENTS

Week Ending Saturday, November 17, 1973

Presidential Tapes and Documents

Statement by the President Outlining Procedures To Provide Information Related to the Watergate Investigation to the Chief Judge of the United States District Court for the District of Columbia. November 12, 1973

As a consequence of the public disclosure, 2 weeks ago, that two conversations of the President were not recorded on the White House recording system, doubts have arisen about just what happened to these conversations and why they were not recorded. The purpose of this statement is to help dispel those doubts and to spell out certain steps I will take to offer information to the court that will help determine the substance of all nine conversations subpoenaed by the court.

First, there are no missing tapes. There are two conversations requested by the courts which were not recorded. The first is a 4-minute conversation with the former Attorney General, John Mitchell, on June 20, 1972. The second is a meeting of 55 minutes with John Dean, late in the evening of Sunday, April 15, 1973.

There is no question in my mind but that the open-court hearing, now being conducted, will demonstrate to the court's satisfaction the truth of our statements that these two conversations were never recorded. In fact there is no affirmative evidence to the contrary. I believe that when the court concludes its evaluation of the testimony and documentary evidence, public doubt on this issue will be completely and satisfactorily removed.

In the meantime, I believe it important to make a statement about this proceeding so that misconceptions about this matter do not persist, simply because certain basic facts are not presented to the American public.

First, the Senate Select Committee did not subpoena the substance of the two unrecorded conversations. That

material was requested only by the Special Prosecutor, and the court, who believed the substance of nine presidential conversations was necessary for completion of the Watergate investigation.

We are complying fully with the Federal court decision. In seven of nine instances, the actual recording of the conversation is being submitted; this includes five conversations in which John Dean participated—September 15, 1972, March 13, 1973, two on March 21, 1973, one on March 22, 1973. For all nine conversations covered by the subpoena, such contemporaneous notes and memoranda as were made of the conversations are being provided in accordance with the court order.

Before discussing these matters, the issue of when and why the recorded conversations were listened to by me, and by others on my behalf, should be placed in chronological perspective.

On June 4, 1973, I listened to the tape recordings of a number of conversations I had with John Dean in order to refresh my memory of those discussions. All of the conversations to which I listened that day had taken place prior to March 21, 1973. My purpose in reviewing the recordings of my conversations with Mr. Dean was to confirm my recollection that he had not reported certain facts to me prior to March 21, 1973. In late April 1973, I asked H. R. Haldeman to listen and report on the conversation of March 21, 1973, in which he had been present for a substantial portion of time. My primary purpose in having Mr. Haldeman listen to this tape was to confirm my recollection that March 21, 1973, was the date on which John Dean had first reported certain facts to me.

There had been rumors and reports to the contrary—one of them suggesting that John Dean and I had met 30 or 40 times to discuss Watergate—and I wanted to refresh my recollection as to what was the precise and entire truth.

On September 29, 1973, I began a review of the tape recordings subpoenaed by the Special Prosecutor for the grand jury and by the Senate Select Committee. The reason was it had been my deliberate intention to litigate

the matter up to Supreme Court, if necessary, to protect the right of confidentiality and the related principle of separation of powers. By late September, however, I had come to the conclusion that the national interest would be better served by a reasonable compromise.

Thus, in late September, I began to consider various approaches which led to what has come to be known as the "Stennis Compromise"—turning over to both the Senate committee and the court the full substance of the relevant recorded conversations, leaving the verification of the precision and accuracy of that substance to Senator Stennis. That compromise offer, accepted by the Senate Committee Chairman and Vice Chairman, proved unacceptable to the Special Prosecutor.

It was during this process that I first became aware of the possibility that two of the 10 conversations in question had not been recorded.

I proceeded with a review of the eight recorded conversations and subsequently ordered a further search for recordings of the two conversations in question and an investigation into the circumstances which caused the conversations not to be recorded. The search and investigation were not finally completed until October 27.

One of the conversations for which no recording could be found was a 4-minute telephone call I made to John Mitchell on the evening of June 20, 1972. The only telephone calls which were recorded in the residence of the White House were those made in the Lincoln Sitting Room which I use as an office. Telephone conversations in the family quarters have never been recorded during this Administration. The telephone call with John Mitchell was one that I made on the telephone in the family quarters just before going in to dinner, and consequently it was not recorded.

My conversation with John Dean on Sunday evening, April 15, 1973, was not recorded because the tape on the recording machine for my Executive Office Building office was used up and ran out earlier in the day. The tape which was on the operating recorder on Sunday, April 15, 1973, contains recordings of the conversations in my Executive Office Building office on Saturday, April 14, 1973. It also contains a portion of the first conversation I had in that office on Sunday, April 15, 1973, which was with Attorney General Kleindienst. During that conversation the tape ran out. Normally, I see very few people in my Executive Office Building office on the weekends. However, on the weekend of April 14 and 15, the activity in my Executive Office Building office was unusual and unanticipated. Certain reports made to me by my staff early in the morning of April 14, 1973, led me to have lengthy discussions with staff members during the day in my office in the Executive Office Building. In addition, international developments required a lengthy meeting with my Assistant for National Security Affairs late that morning.

On Sunday, April 15, 1973, I began another series of meetings in my Executive Office Building office at about 1 p.m. The first meeting was with Attorney General Kleindienst. Thereafter the meetings continued until late

in the evening with the exception of a break of about 2 hours for dinner. I did not meet with John Dean until approximately 9 o'clock that evening. Since the tape on the recorder for my Executive Office Building office had run out during my afternoon meeting with Attorney General Kleindienst, the Dean meeting was not recorded.

It should be pointed out that the court order calls for evidentiary materials such as notes and memoranda in addition to recordings of specified conversations. The court order spells out a detailed procedure for turning materials over for Judge Sirica's private review. In recent days, in an effort to locate materials for the court, a diligent search has been made for materials that might shed further light on the substance of the conversations in question, including the unrecorded conversations with John Mitchell on June 20, 1972, and with John Dean, on the evening of April 15, 1973.

Since I have been in office, I have maintained a personal diary file which consists of notes which I have personally taken during meetings and of dictation belts on which I record recollections. The dictation belts and notes are placed in my personal diary file by my secretary. They are sealed under specific instructions that they not be transcribed.

In the course of searching my personal diary files, I have located a dictation belt that I dictated at 8:30 p.m. on June 20, 1972, on which, among other activities of the day, I referred to a telephone call with John Mitchell. The portion of the belt relating to the conversation with John Mitchell will be submitted to the court.

We have also located the dictation belt of my recollections of the conversations in question for March 21, 1973, and the relevant portions of these recollections together with the actual recordings of the conversations, of course, will also be submitted to the court in compliance with its order.

Over the weekend of November 4 and 5, 1973, upon checking my personal diary file for April 15, 1973, to locate information to be produced in accordance with the court's order, I found that my file for that day consists of personal notes of the conversation held with John Dean the evening of April 15, 1973, but not a dictation belt. My original handwritten notes, made during my meeting with John Dean on the evening of April 15, 1973, will be submitted to the court.

On June 11, 1973, the Special Prosecutor requested a tape of a conversation I had with John Dean on April 15, 1973 (which I had previously offered to let Assistant Attorney General Petersen hear).

As has been pointed out, my personal diary file consists of notes of conversations and dictation belts of recollections, and I believed in June that I had dictated my recollections of April 15, 1973, of conversations which occurred on that day. The response to the Special Prosecutor made on June 16, 1973, referred to such a dictation belt. At that time, however, I did not review my file to confirm that it contained the belt.

SUMMARY OF WHITE HOUSE
EDITED TRANSCRIPT
APRIL 15, 1973, 1:12 p.m. to 2:22 p.m.

On April 15, 1973 the President and Kleindienst met in the EOB office from 1:12 to 2:22 p.m. Kleindienst told the President that Petersen called him last night at midnight, "quite agitated," and that he met with Petersen, Silbert, and Titus until five a.m. "The purpose of it was to give me the benefit of what had transpired on Thursday, Friday and Saturday with Magruder, and then what had been transpiring for a week with John Dean and his attorneys." (p. 1) Kleindienst explained that Dean and his attorney were "exploring the legal situation with the understanding that if they don't work out some kind of a strong arrangement then anything that is said or represented by either John or the attorney will not be used." (p. 2)

Kleindienst told the President that Magruder would go before the Grand Jury, plead guilty, and "tell everything he knows," and that "that kind of information is not going to remain confidential." The President told Kleindienst that "As you know, the -- we have no, -- I have not and I would not try to get information from the Grand Jury, except from you," and that he had taken Dean off the investigation, and put Ehrlichman on, and had told Ehrlichman to give his information to Kleindienst, although it wouldn't mean much because Ehrlichman said that it is all corroborated by Magruder. (pp. 3-4)

The President said Ehrlichman's view was you can't tell whether "you can believe everything Magruder says," and Kleindienst said he "got a self-interest involved." The President said "He's got his self-

interest and you don't know whether he's going to drag this fellow or that fellow or whatever the hell is. You know that's the trouble when a guy starts lying," and that he was "wondering whether Magruder is telling the whole truth on John Mitchell" The President asked if Kleindienst had talked to Mitchell, and Kleindienst said, "No, and I'm not going to. I don't think I can talk to him." The President said that he had "never asked him," but had asked Ehrlichman to "ask him." (pp. 4-5)

Kleindienst told the President that "there is a possible suggestion" about Haldeman and Ehrlichman indicating that they had "knowledge in this respect, or knowledge or conduct either before or after the event," but, Kleindienst suggested, there was a question "whether it's sufficient to bring about an indictment as a result of the course the testimony implies." He said "there will be statements made, circumstantial evidence depicted . . . that could raise a very serious question with respect to both of them. That is my primary reason for talking to you (unintelligible) I thought you ought to know." (pp. 5-6) The President asked, "Who told you this?" Kleindienst responded that he learned it from Silbert, who got his information from "Dean with respect to some statements that Ehrlichman is supposed to have made after the event," but "there's no suggestion" that Ehrlichman "knew anything about it before." (p. 6) Kleindienst said there was a probability that "Strachan might provide testimony that would . . . implicate Haldeman and it wouldn't be direct, precise testimony." (pp. 6-7) The President said he had asked both Haldeman and Ehrlichman, "and they have given me absolute -- you know what I

mean." (p. 7) Kleindienst stated, apparently referring to Haldeman, that the prosecutors, "right now . . . do not think that they are going to have the kind of legal evidence that would lead to indictment. However, they all feel that as a result of the closed testimony -- a matter which is going to come out. It will be circumstantial, an association, an involvement, and it's going to be -- ." The President asked, "Why don't you do something about it?", and Kleindienst replied "Well, I think that that's part of the problem. The evidence with respect to those now who would have knowledge of this before June 17th, 'cause it's going to come out." (pp. 7-8)

Kleindienst referred to "some of the evidence with respect to Dean," and the President said "Dean was in the meetings. Dean claims that he said no. And Mitchell does too. And that's what you've got to live with." Kleindienst said, "But then they feel the serious aspect of the conduct thereafter came in the, according to this testimony, that, with respect to obstruction of justice . . . and that is the admission that LaRue, Mardian, Mitchell, Dean, all for his initial testimony before the Grand Jury." Kleindienst further said "Magruder could testify that he believed that -- there's two things -- the obstruction of justice and suborning a witness of [sic] perjury." The President said "They could get them all on that." (pp. 8-9)

A discussion followed concerning payments to defendants. Kleindienst said that he "inquired into it personally," and the President said he was thinking of the Berrigans, Ellsberg, and Scottsboro fund raising and "Nobody every raised any question about it. If you raise money for the defense and it's for support." Kleindienst said "likewise

in this case," if "I had committed a crime and you know about it and you say, 'Kleindienst, you go in the Court and plead guilty to the commission of that crime and here is ten thousand dollars, you know, to tide you over and so forth.'" The President said "That isn't a crime?" and Kleindienst said "No," but "on the other hand, if you know that I committed a crime . . . and you say, 'you go in there and plead guilty, and here is twenty-five thousand dollars on the condition that thereafter you'll say nothing. You just make the plead, take the Fifth Amendment, the judge cites you for contempt, you've got to continue to testify you don't. You do not take it.' Then you are now in a position of obstructing justice." (p. 10)

The President asked, "the obstruction they are talking about is what happened after the conviction?" and Kleindienst said yes, and the President said, "well, who the hell would -- you mean -- but I can't see Haldeman or Ehrlichman or anybody in that (unintelligible)." (p. 11) Kleindienst said "Well," and the President said, "No -- I'm just asking Let me say this -- there isn't any question that money that they have had on that or whatever -- Mitchell's defense frankly -- it would be -- you know -- these people had worked for the Committee and they were provided with money for their legal fees and for their support. That is -- this is before their conviction. Now comes the point of after their conviction. That's when the case may be, that's when you get the jeopardy." (p. 12) Kleindienst said: "Or if people are up for trial, Mr. President, you say" and the President said "No - no - no I'm sorry -- not conviction -- but after their indictment," and Kleindienst said "Yes!" (p. 12)

They agreed that payments to plead guilty and thereafter take the Fifth Amendment if immunity is offered would be obstruction of justice. (pp. 12-13)

Kleindienst told the President the story would be "all over town" Tuesday noon and that Judge Sirica was not enforcing strict requirements of law with respect to grand jury secrecy. (p. 13)

Kleindienst told the President that the prosecutor told him flatly that Mitchell and Dean would be indicted on Magruder's testimony, that the prosecutors did not know yet if Strachan will be indicted, that Chapin testified that Haldeman knew about "the so-called Segretti affair," which "casts a little bit of taint," (pp. 13-14) and that "there's a weak possible case on Colson," because Colson "knew about and was involved in a conversation pertaining to money for Liddy's projects." The President said "Yeah, I heard about that." (pp. 14-15) Kleindienst said "You know, 'Where the devil are Liddy's projects?,'" and the President said "Colson denies this doesn't he?" Kleindienst said yes and that Colson "also did the unusual thing of hiring himself a lie detector test," which both the President and Kleindienst said was "stupid." Kleindienst said there was a very, very peripheral case and probably not an indictable case against Ehrlichman and Haldeman and a weak case on Colson at this point. (p. 15)

The President asked Kleindienst for his recommendation and Kleindienst said "It seems to me that so long as I do anything at the Department of Justice I cannot hereafter be with Haldeman, Ehrlichman,

Mitchell, LaRue. They won't believe that we didn't talk about the Watergate case." (p. 14) The President said "Who can you have contacts with? Me? I shouldn't be," and Kleindienst said "I think it is -- I don't know whether I need contact anyone." (p. 14) Respecting Colson, Haldeman and Ehrlichman the President said "your point is that it'll break -- that their names have been mentioned?", and Kleindienst said it would come out in trial and testimony. The President said "What's your recommendation on it?", and Kleindienst said "Well." The President then said, "Let me tell you what concerns me, if I may. I want to talk to the special prosecution a little bit. You know, it's embarrassing and all the rest, but it'll pass. We've to to -- we've got to just ride it through Dick." Kleindienst said "Yes," and the President said "Do the best we can. Right?," and Kleindienst said, "Yes sir." The President said, "We don't run to the hills on this and so forth. The main thing is to handle it right." Kleindienst said those were his inclinations. The President said "naturally because of your association with John Mitchell you would have to disqualify yourself," and Kleindienst said, "Mardian, LaRue," and the President said "Oh -- you know them all. Right-right-right." (p. 16)

The President then said that the appointment of a special prosecutor "it's sort of admitting mea culpa for our whole system of justice. I don't want to do that. I think what you ought to do -- agreed -- The Dean [apparently Sneed, then Deputy Attorney General] doesn't know probably anything about criminal law." Kleindienst said, "He doesn't know anything about this case either," and the President said, "the Dean

is a decent, honorable man and you step aside, say that the Deputy Attorney General of the United States will be in charge of this matter." (p. 17) The President said, "I have always told these people around here -- I said (expletive removed) don't hold anything back. Just burns me that they did." Kleindienst replied that "last summer the conduct of everybody over here Mr. President really created great suspicions in the minds of Silbert and Petersen, you know." The President said "Right," and Kleindienst said, "Instead of being open and frank with you, trying to create an impression of trying to help out, getting things going." The President said, "This was basically the Dean problem. He was running it." Kleindienst said, "And also I think -- well everybody was just scared to death. They didn't know where the damn thing was going to end." The President said, "They thought there was an election -- you know -- let's face it -- that's why -- why John". Kleindienst said, "Why sure -- I understand -- I understand. It'll always be an unanswered question and for that matter they were simply set in motion thereafter you know so aggravating -- you know, this little". The President said, "But after the election, I couldn't think what in the name of (expletive removed) reason did they play around then?" The President said, "You didn't know that they were doing this? I didn't know," and Kleindienst said, "No sir -- I didn't know." (pp. 17-18)

The President then said, "I didn't -- you know -- as I was -- one of the problems here -- I have always run my campaigns. I didn't run this one I must say. I was pretty busy. Or -- maybe -- handling the Russian Summit. And you you know, after the election -- we were right in

the middle of the December eighth bombing -- and holding meetings -- within the whole administration. But I just can't imagine -- at that point -- after the election is when this is supposed to have happened Understand -- I mean the others -- they were involved throughout. But I mean after the election. (Expletive removed) to condone it." (pp. 18-19) Kleindienst replied that, "It seems to me there's two overriding considerations here. One is yourself and your Presidency and secondly is the institution. Both of which I think have to be protected and preserved by the institution of justice." Kleindienst further said "the Deputy is now making all the prosecution statements" because "that Deputy is still your appointee. He's my Deputy " Kleindienst observed that as "this thing goes into trial and when this testimony comes out somebody going to come to a crescendo real fast Then Sneed is going to be under attack." (p. 19) Kleindienst said he did not know enough about Sneed to know whether he's got the ability to sit there and take it or will he do it a little bit differently than Kleindienst, and suggested Sneed had been "less than partisan for twenty years." Sneed, Kleindienst said, "has no particular attitude to you, me or anybody else." Sneed "was a good lawyer, a decent man," Kleindienst said. He "probably got his future ahead of him but whether he thinks of himself -- and I just don't know enough about him." He also said he didn't know whether Sneed had the ability in a tough situation. The President said, "Yeah -- but you got anybody else?" Kleindienst referred to a special prosecutor, and the President said, "I'm not going to appoint him," and asked who would

appoint a special prosecutor, and Kleindienst said, "I would. This would be my special prosecutor." The President said, "Got anybody in mind?" and Kleindienst said, "The Chief Justice and I are very close friends. . . . I want to get his feeling about the concept of it and also who he would recommend," and said that "everybody kind of comes together on" Barnabas Sears of Chicago, who would take over the "ultimate prosecutor responsibility." He said Sears was appointed to prosecute the killing of those blacks by the police in Chicago, was a distinguished lawyer with all those credentials and was a "very independent person." (pp. 20-21)

Kleindienst then said, "It has one aspect of it that you people realize, but Sears and I have been close friends for twenty-two years." (pp. 20-21) Kleindienst said Sears would "keep Silbert, Titus, and Petersen in place and as they progress with the case instead of having the ultimate prosecutor responsibility in me he'd do that in this function in that way." The President said, "What does that do to Mitchell?" Kleindienst said, "I would say Mitchell will be indicted." The President said, "Oh, they're all going to be indicted. Well, that's my point . . . if they're going to indict anyway that sort of . . . shows that (expletive removed) the thing does work." The President said Silbert and the rest "aren't taking any program -- we're not giving them any," and Kleindienst agreed he was not either. (p. 22)

The President suggested that another alternative was for him to call in Titus and Silbert and say, "You are totally independent here

and you are to tear this case up. Now go to it." He said, "See my point is, you call in a special prosecutor (expletive removed), he's got to learn the whole damn thing." (p. 22) The President said, "Let me think about it Dick," to which Kleindienst agreed and said, "Let's both think about it". The President said, "You would suggest Sears, I would say . . . the Dean." (p. 23) The President said " . . . I really feel that I ought to -- that frankly I've got to take the leadership on the thing and I ought to go in and say, look -- there's -- got the facts and you are to go forward with this -- and I don't care who it touches and that's it." (p. 23) The President and Kleindienst then conversed for several lines of transcript the meaning of which cannot be understood because of "unintelligibles" but ending with the President saying, "Is there enough evidence on Haldeman that I should . . . say to him, 'look Bob you take a leave of absence until this thing is cleared up'?" (p. 23) Kleindienst said right now there was not but "might be any day -- that's the question. I think that your options become reduced each day that this thing goes on." The President said, "What I am getting at is this. Is it also possible that they don't get enough on Haldeman to indict?" (p. 24)

Kleindienst answered, "he could be indicted but then at least his circumstantial participation will presume now with regard --," and the President said, "what about Ehrlichman?" Kleindienst said, "that's a close one -- a situation that would occur after they were arrested based

upon the possible projected testimony of Dean in the case." The President asked, "what will Dean say about Ehrlichman?", and Kleindienst said, "Keep in mind anything that Dean and his attorneys have told them is a conditional statement. If they don't work something out it's all withdrawn and it's not going to be used. Keep that in mind, Mr. President. But Dean intimated two things with respect to Ehrlichman. One, Dean had in his possession some documents that were taken out of Hunt's office -- that's number one." (p. 24) Kleindienst said yes to the President's question, "he's told the U. S. Attorney this?" Kleindienst then said, "Other item he issued a directive that -- to get Hunt out of the country. Instances, standing by themselves -- nothing more to say on one side or the other can constitute an obstruction of justice. They have the hard evidence right now that would lead to the indictment of John on those two counts. But it couldn't be tomorrow, two days from now away." (p. 25) The President then asked about Strachan, "Did they tell you --," Kleindienst said, "They" and the President said, "I thought on that?" Kleindienst said, "Yes sir. In fact, I've got some notes here --," and the President said, "No -- Ehrlichman?" Kleindienst said, "He's hooked." The President said, "Dean?" and Kleindienst said, "Deep six it and get Hunt out of the country." The President said, "Dean's testified that Ehrlichman told him to do that," and Kleindienst said, "Right." The President said, "Dean has told 'em, but he hasn't testified?", and Kleindienst said, "Right" and that Dean's statements to the U. S. Attorney "are conditional statements. If Dean worked out an arrangement satisfactory to Dean the U.S. Attorney's

and Dean agree that they are not going to have knowledge of these statements." The President asked, "So what would happen?", and Kleindienst explained that "in the event they don't work something out then Dean presumably wouldn't testify this way with respect to Ehrlichman or he might, depending upon what (unintelligible) [.]. If they work something out, probably it would be for the purpose of -- no, no sir. There's going to be no immunity offered." (pp. 25-26) The President asked about Haldeman and Kleindienst said, "They believe this fellow Strachan is just about ready to (unintelligible) -- on the face of it." The President said "Some of this -- got some of the take in other words. Haldeman had -- if Haldeman was furnished the reports." Kleindienst replied that "Either the reports or papers that would indicate that Liddy was doing something like this," and said "Apparently there was the sum of three hundred fifty thousand dollars." The President said "Yeah -- I know about that." Kleindienst said, "Transferred from the White House to LaRue," and the President replied "Right." The President and Kleindienst further discussed the indications that Haldeman had received the reports from the bugging. (pp. 26-27) Kleindienst said that Haldeman might have had "budgetary" or "program papers that on the face of it that Liddy was engaged in an eavesdropping operation, and, you know, that Haldeman would have known about it?" (p. 27) The President said, "Haldeman could tell me though -- he's a -- I'm sure -- Bob would tell me -- he's a 'don't give a (expletive removed) kind of a guy' anyway and Ehrlichman would tell me too. The deep six thing troubles me. Although -- what was

that? Oh, I know what that could be -- that could be -- you see Hunt's operations before -- that's what that is. Hunt worked in the White House, you know, on some national security matters and I think that's what that's involved. Not the Watergate."

Kleindienst then said, "Let's get back to this concept of the Presidency, sir. . . . What you do is the right thing to do and then when having done it then it would be recognized as the right thing." (p. 28) The President said, "Right." Kleindienst then said, ". . . I think the options that you have to consider there are two. One do you, the President, what I have told you today, that might be forthcoming. And before that comes out would you ask 'em to step aside until this whole thing blows over? If it all blows over -- maybe you're not indicted or culpable. Finally you come back and they do wind up having been indicted, you at least have off of your personal staff -- those people who are going to be involved in the criminal justice system. If you don't take that step, and I -- really don't pretend to advise you on it sir -- and then if it comes out, it's leaked out and then you've got to do it after the disclosure is made publicly, you know, I think it." (p. 29) The President said, "The question really is basically whether an individual . . . can be totally . . . I mean, the point is, if a guy isn't guilty, you shouldn't let him go." Kleindienst agreed. The President said, "let's stand up for people . . . even though they are under attack," and Kleindienst said, "I know."

The President asked if in Kleindienst's opinion either Haldeman or Ehrlichman "had no knowledge of Watergate," and Kleindienst said, "I think neither one of them knew about it before," and that "Just judging from leads around here and found himself in this fantastic situation. Could have as a result of his constant communication with John Dean -- with John Dean looking for a way to save himself -- could have by the remarks that John made that would either circumstantially involve him in or be the grounds for an indictment." (p. 30) The President then said, "Increase the chances of their being indicted by letting them go? That's another (unintelligible). When I say let them go, give them a leave which --," and Kleindienst said that would be all right. (p. 30) The President then said, "you find them guilty before they have a chance to prove their innocence, don't you?" He then said, ". . . another way you could do it is this -- you could say if that question is raised, you could move then instantly. You see the point is that -- your suggesting I should do this based on information we have now." Kleindienst said, "Which is not very good, precise." The President said, "That's the point I am making -- can on the basis of this kind of information." (p. 30) Kleindienst said, "I don't suggest anything now -- I'm just --," and the President said, "No -- no -- I know -- No -- I'm just trying -- understand -- I want to know what is the right thing to do and understand we are going to come out of this thing. The Justice Department and the Presidency are going to come out clean because I don't tolerate this kind of stuff. But the point is, Dick, I also. I can't -- I can't let an innocent man

down. That's my point." (p. 31)

Kleindienst asked what effect speculation and attack in the press would have on Haldeman's and Ehrlichman's being able to discharge their duties. The President said, "Bob could put it out first," referring to Haldeman's version of the story regarding the money and Segretti.

Kleindienst said, "Have him appear before the Grand Jury." The President said, "Will he be asked?" and Kleindienst said, "No -- except a punitive defense might ask him." The President said, "(unintelligible) here -- you don't understand (unintelligible)." Kleindienst said, "The prosecutor doesn't subpoena a punitive defendant -- his attorney doesn't -- you know this stuff is going on -- now does your guy want to come in and testify." The President said, "You see, I realize that the fellows like up at the Ervin Committee and now the Grand Jury they're going to smash the likes of Haldeman all the time but you can't let a guy go -- without a (unintelligible) if he's guilty, if you know he's innocent." (pp. 31-32)

The President said the only thing that troubled him about Haldeman and Ehrlichman is that he wondered about moving on them before. Kleindienst said, "The evidence (unintelligible)," and the President said, "See what I mean?" Kleindienst said, "Sure, I understand," and the President said, "That indicates that maybe I know something -- which I don't." (p. 33) Kleindienst said, "nor

do I" and "all that the government knows is what I have given you."

Kleindienst said he did not think Ehrlichman should have "as an assignment for you anything further to do with this."

The President asked Kleindienst if Haldeman and Ehrlichman were involved in the obstruction of justice or the suborning of perjury. Kleindienst replied, "No -- no. When you get Mitchell and Magruder and Mardian and, let's say, Dean all having one approach to this problem, and Magruder over there you're going to have a hard time convicting John Mitchell, Bob Haldeman, LaRue, etc. One of the faults these lawyers find is that, you know, because, they, if this is true, they will be a (expletive removed) difficult thing to prove." The President said, "There's a chance Mitchell could beat this?" and Kleindienst replied, "Oh (expletive removed) yes. It all depends on how this other comes out but, Mr. President, if all your talking about." (p. 35)

The President then asked what Liddy was going to do. Kleindienst replied, "Now that's something else -- now if Liddy comes in and corroborates Magruder and incidentally they are bitter enemies. Magruder is afraid for his life." The President said, "Yeah?" Kleindienst said, "Even tried to --," and the President said, "Liddy -- you say Liddy has told all, has he?" Kleindienst said, "No he hasn't -- he hasn't said a word to anybody." (p. 36) The President said, "Is that right? Did these guys tell you that?", and Kleindienst said, "Yes sir. He's taken the fifth." The President said, "They

said that he's come in and talked to them. They -- that's what they're telling everybody," and Kleindienst said, "That's not true, sir." The President said, "I mean -- if Magruder says that -- he hasn't?" Kleindienst said, "To my knowledge -- I'll check that." The President said, "Find out." (p. 36)

The President then asked, "What about Hunt?" Kleindienst said "Hunt doesn't know anything." The President said, "He knows about the obstruction of justice -- somebody gave him the money. Isn't that the one where Mrs. Hunt or somebody -- I don't know what that is -- I don't know." Kleindienst responded, "You know as much about it as I do," and the President said "(unintelligible) say something (unintelligible) and I don't want to get so deeply involved." (pp. 36-37)

Kleindienst said Ehrlichman had asked him the night before to inform him if Kleindienst "had any notice that John Dean had initiated this." The President responded, "if Dean does not testify about deep sining documents and getting Hunt out of the country they have nobody else that can say that." (p. 38)

Kleindienst also told the President that, "they [apparently the U. S. Attorneys] raised questions whether or not I should even mention that to you because of the (unintelligible)." The President said, "No, (expletive removed) you should tell me." Kleindienst said, "Oh (expletive removed) I didn't argue with them about that. That's

not anything. I'm going to tell you what I have learned." (p. 39)

The President returned to the subject of the special prosecutor; he suggested that rather than bringing in a special prosecutor, he would apparently tell the U. S. Attorneys that they are on their own. Because Kleindienst was a close associate of Mitchell, the U.S. Attorney should to report to Sneed. The President said, "Now that's the way that I think I should approach it Dick rather than bringing in a special prosecutor." (p. 39) Kleindienst replied that he had no objection to that. The President proposed that he state that he discussed it with Kleindienst and that it was Kleindienst's recommendation. Kleindienst said he had two reservations -- one was that he was "not sure about . . . Sneed," and the other, "the credibility aspect of this thing." (pp. 40-41) The President again raised the objection that a "Special Prosecutor immediately casts a doubt frankly, Dick, on the whole Justice Department." Kleindienst agreed, but suggested that they wait until Mitchell is indicted, at which point Kleindienst could recuse himself. Kleindienst continued, ". . . The special prosecutor would not try the case, Mr. President. What he would do is substitute himself for the Attorney General. Silbert would try the case, and the Special Prosecutor "would have overview with respect to what they were doing and participating in the prosecuting decisions that are made from time to time And I fully realize that bringing this guy in it's -- the effect has a bad reflection upon me, you know, I understand that -- that is my recommendation." (pp. 42-43)

The President then said he thought "after your hard lining the executive privilege . . . we ought to make a deal with the Ervin Committee provided the ground rules are proper." Kleindienst agreed. The President said, "What you're saying is a bargain -- the thing by which you are going to work that out. I thought we ought to get something out on that like Monday or Tuesday. That sound good to you? That's a good a good way to be on the offensive." Kleindienst said, ". . . I understand . . . you have some thought in mind with respect to John Dean. I would respectfully urge you not to accept -- include John Dean in the package with (unintelligible) and those people you are." The President said something "unintelligible," Kleindienst said yes, the President said, "Oh yes, (expletive removed) yes, it's better now." (p. 43)

Kleindienst said, "Negotiate with the United States Attorney -- I'll tell you -- I don't think," and the President said, "No -- no. I'm putting him up. The only think I would say is that -- to him -- I would say that as President's Counsel (unintelligible) executive (unintelligible) and all that -- (expletive removed) I wouldn't even (unintelligible). The Ervin Committee though is going to be as -- nothing by the time this thing." Kleindienst said, "Oh by this time (unintelligible) we keep it in the criminal justice system where it belongs." (pp. 43-44)

The President said Silbert ought to get over there right now and tell the Ervin Committee not to go, "shouldn't he?", and Kleindienst said, "I don't know." The President asked, "how can Mitchell, for example, get a fair trial with the Ervin Committee leaking all over the place and so forth and so on. I would -- if I were the prosecuting attorney I'd say to the committee, now keep McCord and all these (expletive removed). Don't you agree?" Kleindienst said, "Sure -- if they'll do it." The President said he really thought a smart lawyer for Mitchell and other defendants "could move to quash," and Kleindienst said, "Well they could get the cases dismissed as a result of this horsing around with the Ervin Committee." (pp. 44-45) Kleindienst said "Any litigation concerning John Mitchell will probably take ten years -- you know a couple of years before trial, four or five years appeals, motions, trial." The President said, "(expletive removed) I would want to appeal the Chicago Seven, the Berrigans, and the Ellsbergs and all those (expletive removed). And they've fooled around all this

time." He further said, "Well it's a hard thing, Dick, hard thing. These fellows, even the Cubans -- or even perhaps they most of all. They were doing (unintelligible) they were helping the campaign." (p. 45) The President said, "And they just -- just showed incredibly bad judgment -- right?" Kleindienst said: "It's still a fact, Mr. President, it's been two or three months, you know, while you were getting your campaign organization going, and Mitchell was just a puppet. You know John was in a rather awkward situation being the Attorney General, having talked to those guys." (p. 46) The President added that "Magruder's sort of a lightweight in a very heavy job. . . . And then so they decided that -- gee, this is great and this is real fun -- (expletive removed). . . . " The President said, "if Haldeman had been running it it wouldn't have happened either. But look what the (expletive removed) he was doing, we were on our way to China and . . . Russia. We weren't in the campaign -- they were. We couldn't and that's why we had no control. Well, anyway, I'm not making any excuses. The thing to do now is to," Kleindienst said; "Deal with the facts as you have them." The President said "Go forward." (pp. 46-47) The President asked if they could bring down "a former Circuit Court judge like Lombard." Kleindienst replied that the Chief Justice "doesn't like that unless he has completely retired from the judiciary," and that the Chief Justice recommended Sears, and thinks there should be a special prosecutor. (p. 47)

The President asked Kleindienst "what is Petersen's reasoning". Kleindienst said Petersen believed that Kleindienst should recuse himself "now that it looks like Mitchell and --, "but Kleindienst said we haven't gotten to the point of deciding when he should do it. Kleindienst said

one thing he would do would be to "delegate the responsibility for the entire matter to Petersen, Assistant Attorney General of the Criminal Division. The President inquired whether the country [would] respect him on this?" Kleindienst said yes, and the President noted that he had not appointed Petersen who was a career man. (p. 49) The President concluded that "Petersen would be better than Sneed," and that he ought to consider calling in the prosecutors and tell them "to work with Petersen and get everything done." (p. 50)

Kleindienst said, "let's think about that" and that they "got to do something pretty quickly before this stuff gets out of hand." Kleindienst said, "In view of the disclosure made to me last night and yesterday afternoon by Ehrlichman, I think I've got to do something. I'm now on notice that Magruder, you know." The President said he told Ehrlichman to turn his information over to Kleindienst. In fact, the President said, Ehrlichman suggested it even before Magruder talked to him," and then the events caught up with us and Magruder came in, and said, look, I -- almost irrelevant. I didn't think Magruder (unintelligible). So that's why, Dick, why we've been scrupulous and your record must show that. Been scrupulous, that Ehrlichman he called you, he called you before Magruder and afterwards. We didn't wait till Magruder -- ", and Kleindienst said "That's right." After four more words the edited transcript then contains the notation, "no more sound -- tape runs out."

52. On April 15, 1973 from 2:24 to 3:30 p.m. the President met with Ehrlichman in the President's EOB office. From 3:27 to 3:44 p.m. the President spoke to Haldeman by telephone and discussed conflicts between the recollections of Magruder and Strachan concerning conversations about Watergate. At 3:48 p.m. the President returned a telephone call from Kleindienst and agreed to have Petersen join their upcoming meeting.

In response to the Committee's subpoena for the tape recording and other evidence of the President's meeting with Ehrlichman, his telephone conversation with Haldeman, and his telephone conversation with Kleindienst, the President has produced edited transcripts of the recordings of the Haldeman and Kleindienst telephone calls. Summaries of those transcripts have been prepared. The President has stated that the tape on the recorder for his EOB office had run out during his afternoon meeting of April 15, 1973 with Kleindienst and that no further conversations in that office were recorded.

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- 52.1 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.
 - 52.2 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, In re Grand Jury, 2.
 - 52.3 Summary of White House edited transcript of a conversation between the President and H. R. Haldeman from 3:27 to 3:44 p.m., April 15, 1973, prepared by House Judiciary Committee staff.
 - 52.4 Summary of White House edited transcript of a conversation between the President and Richard Kleindienst from 3:48 to 3:49 p.m., April 15, 1973, prepared by the House Judiciary Committee staff.

PLACE DAY BEGAN

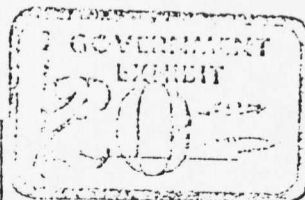
*Revised, 7/26/73
THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:09 a.m. SUNDAY



TIME		PHONE Placed Received		ACTIVITY
In	Out	To	ID	
				52.1 President Nixon daily diary
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R	Y	The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R	Y	The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15		Y	The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Source: Nixon Library 44-73 Sub 1 Grand Jury Proceedings [3758]

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 P.M. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22		4	The President met with Attorney General Kleindienst.
2:30 ?	3:30		4	The President met with Mr. Ehrlichman.
3:27	3:44	P	4	The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R	4	The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15		4	The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P	4	The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	ID	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15		✓	The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P	✓	The President talked with Mr. Petersen.
8:25	8:26	P	✓	The President talked with Mr. Petersen.
9:17	10:12		✓	The President met with his Counsel, John W. Dean III.
9:39	9:41	P	✓	The President talked with Mr. Petersen.
10:16	11:15		✓	The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P	✓	The President talked with Mr. Petersen.

[3760]

SM/CD/ID

THE WHITE HOUSE
WASHINGTON

July 24, 1973

MEMORANDUM FOR: MR. JACK NESBITT
Presidential Papers

FROM: TOM HART T.

SUBJECT: President's Daily Diary -
April 15, 1973

Your office has called my attention to the President's Daily Diary of April 15, 1973, particularly the discrepancies therein with certain individuals meeting the President and has asked for clarification on these points. I will try to give these clarifications to you to the best of my knowledge and recollection together with conversations I have had with others and their knowledge and recollection concerning this day.

1. The diary shows the President going to the Oval Office from the Residence at 10:35 a.m. and departing the Oval Office at 11:15 a.m. and returning to the Residence. There is an accompanying note from the Secret Service which states: "No meetings in Oval Office between 10:35 - 11:15 a.m." The President, in fact, did meet with John Ehrlichman in the Oval Office during this period of time. It probably went unnoticed by the Secret Service as Mr. Ehrlichman would probably have entered through the private door in Mr. Bull's office. I arrived at my office at approximately 11:00 a.m. and met Manolo Sanchez there. He told me that the President was meeting with Mr. Ehrlichman at that time. Mr. Sanchez and myself waited for the President to leave as we knew he was expected at the Yellow Oval Room on the second floor of the Residence to have coffee with the Reverend E.V.

Hill who was the Minister for the White House Worship Service that same morning. The President did leave his office at 11:15 a.m. and returned to the Residence alone. We were not sure exactly when Mr. Ehrlichman entered the Oval Office but it apparently was sometime between 10:35 and 11:00 a.m. when I had arrived. Mr. Sanchez confirms this information.

2. The diary shows that the President met with Attorney General Kleindienst beginning at 1:12 p.m. The Attorney General was over in the EOB outer office waiting for the President to arrive and as soon as he arrived they went in together. This is confirmed by Mr. Bull and Mr. Sanchez. The diary shows that the President met with John Ehrlichman at 1:24 until 3:30 p.m. Mr. Sanchez has told me that he recalls that Attorney General Kleindienst met with the President alone until he left and then approximately five or ten minutes after he left Mr. Ehrlichman came in and met with the President alone. Therefore, I believe that Mr. Ehrlichman met with the President at some point after the Attorney General left at 2:22 p.m. The EPS log showed Mr. Ehrlichman in at 1:24 p.m. It probably should have read 2:24 p.m. Mr. Sanchez recalls that Mr. Ehrlichman met with the President alone for forty-five minutes to an hour.
3. The diary shows that the President met with Mr. Rebozo from 3:25 until some time after 5:00 p.m. This is erroneous as Mr. Rebozo did not meet with the President that afternoon. This information probably came from the EPS log which shows that Mr. Rebozo entered the complex of EOB offices at that time but to the recollection of Mr. Sanchez and of Colonel Golden who was the duty Military Aide that day, Mr. Rebozo waited outside the President's EOB office with Colonel Golden and Mr. Sanchez until shortly after 4:00 p.m. when Attorney General Kleindienst and Assistant Attorney General Henry Petersen entered to meet with the President. Mr. Rebozo then returned to the Residence. Mr. Rebozo did accompany the President when he left his EOB office at 5:25 p.m. to go out for a boat ride on the Sequoia. I believe that these discrepancies have arisen in the log because of the fact that the true times

3.

kept for persons meeting with the President in his EOB office are generally kept by the receptionist who sits outside his door there and that on this particular day which was a Sunday there was no receptionist there because there is generally no need for one as the President does not usually have such meetings on a Sunday. When such meetings do occur when the receptionist is not there, your office generally relies on the EPS log for meeting information. This can be erroneous as a person can be logged as to entering the complex of the President's EOB office without that person entering the inner-office and meeting there with the President. This, I suspect, was the problem with the discrepancies that your office has called our attention to on that particular day.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 15, 1973 3:27 p.m. to 3:44 p.m.

On April 15, 1973, the President and H. R. Haldeman had a telephone conversation from 3:27 to 3:44 p.m. Haldeman told the President that he was working on his statement and had discussed it with Rogers, who "has some real reservations" about whether we "should go up there" to the Ervin Committee to testify publicly while the Grand Jury was still deliberating. Haldeman said that Rogers believed that they could make a commitment to testify in executive session, that the public would be satisfied when indictments came down anyway, and that the hearings would have to stop if the indictments were at a high level. Haldeman indicated that he agreed with Rogers, and added that "if we agree to go up and the Grand Jury comes down with indictments they will probably turn off the hearings for a time anyway So we would have appeared to be forthcoming but we wouldn't maybe have to go." (pp. 1-5)

The President stated that Ehrlichman had talked to Moore, who thought that "it isn't going to make any difference," but that public testimony would have the President be forthcoming. The President added, "But what does that do? Let the President be forthcoming and let them kill us." (pp. 2-3)

The President mentioned that the Committee would be "denied some of their principal witnesses," naming specifically Mitchell and Magruder. (p. 4) They discussed polls briefly, (pp. 5-6) and mentioned that both Kleindienst and Rogers were for the Special Prosecutor. The President said that

he had come to that conclusion, too, for the reason that there should be a special prosecutor not to prosecute the case but to see that the indictments ran to everybody they needed to run to, so that it wasn't just the President's men. Haldeman said that did protect the President against charges of a cover-up "if they don't indict some of us." The President said that he was leaning toward Wright, from the Texas Law School, for Special Prosecutor. (pp. 6-7)

The President said that he had questions about Magruder's credibility, and that Strachan told Ehrlichman that Magruder had asked Strachan to "concoct with him the story that he, Strachan, did walk across the street with Magruder and tell Magruder to go forward with the operation." The President commented that "a hell of a lot of Magruder's stuff, even on Mitchell, may be open to serious question," and added, "I think now he has lied so much is he going to lie again and work with his attorneys and get himself separated from all this thing, etc. I think Strachan will be a damn believable witness when he goes down there. I really feel he will be." Haldeman said he would if he stayed to the truth, and the President said, "If he just tells the truth." Haldeman agreed that Magruder had changed his story several times, and added, that he could understand Magruder's difficulty.

Haldeman said, "It is hard for me to remember what's true, having just heard all of these other people's stories. It is difficult to sort the stuff out. If you start lying yourself [sic] --" (pp. 8-10)

The President said that Rogers' point was good that an indictment of "a hell of a big fish...is going to take a lot of the fire out of this thing on the cover up and all that sort." Haldeman said that he agreed and that this would explain what to the people was now a phony looking thing. The President said, "Explain that they did it, and then of course the cover up comes in and they did that too." Haldeman said "it all makes sense, it is logical, believable, because it's true." The President agreed. Haldeman said "that public reaction is going to be, well, thank God that is settled." He said "I think people want solutions; they don't want ongoing problems." (pp. 10-11)

There was further discussion of the publicity aspects of the matter. The President said that he rejected Kleindienst's suggestion that he make a "Checker's Speech." The President commented that the Special Prosecutor "gets one person between me and the whole thing," and that "the Dean report now has been totally discredited." They

discussed the statement the President would make "when they indict Mitchell, and Mitchell doesn't plead guilty". The President said, "(I don't know whether I can say I am confident in his innocence)." They decided he should say that "[i]t is not proper for me to comment except that he is a fine man," Haldeman suggested the President express his faith in the system. Haldeman said, "You know there is a lot to be gained from this if the damn system comes out right." The President said, "That's right," and Haldeman continued, "In restoring people's faith in the system, rather than in this jackass kangaroo court." (pp. 11-13)


At the end of the conversation, the President asked Haldeman to tell Ehrlichman that he liked Rogers' thoughts about the Ervin Committee. (p. 13)

SUMMARY OF EDITED WHITE HOUSE TRANSCRIPT

APRIL 15, 1973, 3:48 p.m.

On April 15, 1973, the President telephoned Kleindienst at about 3:48 p.m. Kleindienst asked if he could bring Petersen to their meeting. The President agreed. Kleindienst said that he and Petersen would be over "in a couple of minutes."

53. On April 15, 1973 Petersen and Kleindienst met with the President from 4:00 to 5:15 p.m. in the President's EOB office. Petersen has testified that he reported on the information that the prosecutors had received from Dean and Magruder and that his report included the following: that Mitchell had approved the \$300,000 budget for the Liddy "gemstone" operation; that budget information for "gemstone" and summaries of intercepted conversations were given to Strachan and that information given to Strachan was for delivery to Haldeman; that if the prosecutors could develop Strachan as a witness, "school was going to be out as far as Haldeman was concerned"; that Ehrlichman through Dean informed Liddy that Hunt should leave the country; and that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Hunt's office. Petersen has also testified that he recommended that Haldeman and Ehrlichman be dismissed, but Dean be retained while cooperating with the prosecutors. Petersen has testified that the President: exhibited a lack of shock and emotion; spoke well of Haldeman and Ehrlichman; suggested that Dean and Magruder were trying to exculpate themselves; suggested a cautionary approach to the granting of immunity; stated that he had first learned that there were more significant problems than he had anticipated on March 21, 1973, although he did not tell Petersen what Dean had told him on that date; stated that he had told Dean to write a report but that Dean had been unable to write a report; stated that he told Ehrlichman to conduct an investigation after Dean failed to deliver his report; stated that Haldeman and Ehrlichman had denied the charges against them; and requested that Petersen reduce to writing what he had said to the President about Haldeman and Ehrlichman.



The Committee has subpoenaed the tape recording and other evidence regarding this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst.

- 53.1 President Nixon daily diary, April 15, 1973, Exhibit 20, In re Grand Jury.
- 53.2 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 2-12 (received from Watergate Grand Jury).
- 53.3 Henry Petersen testimony, 9 SSC 3627-29, 3632-35.
- 53.4 Henry Petersen testimony, In re Grand Jury, November 12, 1973, 1192-94.
- 53.5 Richard Kleindienst testimony, 9 SSC 3573, 3592.
- 53.6 Henry Petersen notes, Exhibit No. 147, 9 SSC 3875-76.
- 53.7 H. R. Haldeman testimony, 7 SSC 2903-04.
- 53.8 President Nixon notes, April 15, 1973, 4 (received from Watergate Grand Jury).
- 53.9 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 68-72 (received from Watergate Grand Jury).
- 53.10 President Nixon remarks, April 17, 1973, 9 Presidential Documents 387.

PLACE DAY BEGAN

*Revised, 7/26/73

THE WHITE HOUSE

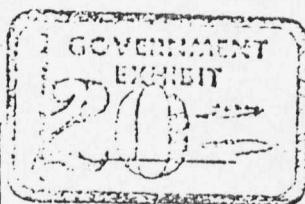
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:09 a.m. SUNDAY



TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	To	ID	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22		4	The President met with Attorney General Kleindienst.
2:30 ?	3:30		4	The President met with Mr. Ehrlichman.
3:27	3:44	P	4	The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R	4	The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15		4	The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P	4	The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

[3777]

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	ID	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Colden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P.		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

1 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

2 - - - - -x
3 IN RE: POSSIBLE VIOLATIONS :
4 OF 18 USC 2511 and 2512 :
5 - - - - -x

19.1

6 Grand Jury Room No. 3
7 United States District Courthouse
8 3rd & Constitution Avenue, N. W.
Washington, D. C.

9 February 5, 1974

10 The testimony of HENRY E. PETERSEN was presented to
11 a full quorum of the Grand Jury.

12 BEFORE:

13 RICHARD BEN-VENISTE, ESQ.
14 Assistant Special Prosecutor
15 U. S. Department of Justice

16 GEORGE T. FRAMPTON, JR., ESQ.
17 Assistant Special Prosecutor
U. S. Department of Justice

18 JILL VOLNER
19 Assistant Special Prosecutor
U. S. Department of Justice

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21
22
23
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25
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Kensington, Maryland 20795
(301) 946-4436

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P R O C E E D I N G S

Whereupon,

HENRY E. PETERSEN

was called as a witness and, having been first duly sworn by the Foreman of the Grand Jury, was examined and testified as follows:

BY MR. BEN-VENISTE:

Q Would you state your full name for the record, please?

A My name is Henry E. Petersen.

Q Mr. Petersen, you're reappearing this morning before the Grand Jury at the request of the Grand Jury as a result of the information received by the Grand Jury in the interim since your last appearance here, about which, they would like to ask some questions.

It will go to the period of around April the 15th, 1973, and I ask whether, on that day, you met with the President of the United States.

A I did.

Q Now, can you give us the substance of that meeting or meetings, as you recall them?

A Yes, I can. Perhaps, first, I suppose I ought to explain how I came to meet with the President of the United States.

Attorney General Kleindienst called me at my home

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1 sometime that afternoon on Sunday, April 15th, and asked me
2 to come down to the office. I told him I wasn't appropriately
3 dressed, did it make any difference, and he said, no.

4 I went down to the office in sports clothes, met
5 him in his office, and there was no one else there. He ad-
6 vised me that he -- as he had indicated he would, earlier
7 that morning about 5:00 a.m., that he had seen the President
8 of the United States briefly following a prayer breakfast
9 at the White House at about 11:00 a.m. And that he was to
10 see the President later, again, that afternoon at 3:15 or
11 thereabouts, and that one of the things that he was going to
12 do, when he saw the President, was to recuse himself from
13 the investigation because of the individuals who were involved
14 and that, when he did so, the obligation for the conduct of
15 the investigation would fall upon me.

16 He had written a memorandum -- handwritten on yellow
17 paper -- indicating his recusal and his appointment of me to
18 carry on those duties.

19 About that time, he said, "I think you ought to
20 come with me to see the President." And I said I wasn't
21 appropriately dressed.

22 He called the White House. I don't know to whom he
23 spoke but, apparently, he got permission for me to come along.

24 We went to the President's Office and we went, with
25 him, in the Executive Office Building. We discussed Mr.

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1 Kleindienst's recusal and, as a follow-up to the conversation
2 -- or apparent conversation -- earlier in the day between the
3 President and Mr. Kleindienst -- I say apparent because it's
4 never been clear to me to whom he spoke, what he said, how
5 long that conversation was.

6 But, in apparent follow-up of that, he gave the
7 President a brief statement of the evidence implicating Mr.
8 Haldeman and Mr. Ehrlichman and the suggestion that, in order
9 to protect the Presidency, that he ought to disassociate
10 himself from those people immediately.

11 Basically, that was the nature of the conversation.
12 The contents, with respect to substance, was more pointed
13 towards Mr. Ehrlichman and it related to what Mr. Dean had
14 said, that Ehrlichman knew and what Magruder had said.

15 Q I think you may be referring to Mr. Haldeman when
16 you mentioned Mr. Ehrlichman.

17 A Yes, I did, excuse me. I confused them. Particularl
18 with respect to what Mr. Dean had said concerning Mr. Halde-
19 man and what Mr. Magruder had said and, with special emphasis,
20 that Magruder's testimony related to information that he,
21 Magruder, had given to Strachan before the break-in.

22 It specifically concerned a budget statement of the
23 project from which Magruder said the nature of the project
24 could have been ascertained and, secondly, transcripts of the
25 logs which Magruder said were given to Strachan, and the only

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1 reason they were given to Strachan was for transmittal to
2 Haldeman. Though he could not testify that they had, in
3 fact, been transmitted to Haldeman, but he certainly considered
4 Strachan to be their liaison between themselves and Haldeman.

5 With respect to Ehrlichman, as I recall -- all of
6 which is summarized in a memorandum for the President, a copy
7 of which you all have -- there was a statement by Dean, I
8 think, that there was some discussion between him and Ehrlich-
9 man concerning the amount of money that was to be made avail-
10 able to those people.

11 There was then some discussion about whether or
12 not this -- I was saying we were going to charge and convict
13 these people, and I replied that, with respect to Ehrlichman,
14 we had almost a prima facie case but that depended on whether
15 or not Strachan could corroborate Magruder.

16 Q Again, Mr. Petersen, you said Ehrlichman when I
17 think you meant Haldeman.

18 A I meant Haldeman. Very strange to figure that out.
19 I've never met Mr. Haldeman.

20 In any event, that was the thrust of the conversa-
21 tion with the President from my point of view and it was
22 incumbent upon him to do something and do something quickly.
23 Otherwise, the impact on the Presidency was going to be
24 drastic -- prophetic statement.

25 Q What did the President reply?

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1 A Well, I cannot fix any specific reply -- pungent,
2 pithy statement that he made. He spoke well of Ehrlichman
3 and Haldeman; thought that it seemed difficult for him to
4 comprehend; seemed to think -- seemed to fear I guess is a
5 better term -- that perhaps John Dean was simply trying to
6 exculpate himself and that he was really responsible; that
7 he didn't know about these things at all until Dean had
8 told him on March 21st; and that, at that point, he had asked
9 Ehrlichman to look into the matter.

10 With respect to Magruder, I think he felt the same
11 way, and I probably told him that we were trying to develop
12 Strachan as a witness and if we developed Strachan as a wit-
13 ness, school was going to be out, as far as Haldeman was
14 concerned.

15 Q Did the President, in that conversation, Mr. Peter-
16 sen, mention the so-called Dean report?

17 A He mentioned that he, after Dean -- and, apparently,
18 after March 21st, when Dean had come to him, he had sent
19 Dean, he said, to Camp David to write a report and Dean came
20 back and told him that he, Dean, wasn't able to do it.

21 And the President said, "Well, no wonder he was not
22 able to do it" -- these are not quotes, but -- "No wonder
23 he was not able to do it, really. It was a report which would
24 implicate himself. He just couldn't bring himself to do it."

25 Q And did the President indicate to you, in the

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1 course of that meeting, whether or not he could believe John
2 Dean or did believe John Dean as a result of what Mr. Dean
3 told him on March 21st?

4 My question is whether that was related to the
5 President telling you that he had asked Ehrlichman to write
6 a report.

7 A I don't think --

8 Q And make an investigation.

9 A I'm puzzling over the use of your word "believe."
10 Certainly, the President's attitude, as I interpreted it,
11 was that he found it difficult to believe, but I don't mean
12 to imply that he was saying John Dean was lying about this
13 or so-and-so. And because he found his situation unbelievable,
14 incredible, he had asked Ehrlichman to look into the facts
15 of the matter and to give him the report that John Dean should
16 have given him.

17 I think one of the things I asked him was, "Well,
18 didn't Dean ever give you a report of all of this?" And he
19 said, no, Dean had never given him a report. This was common-
20 place in the press that Dean had.

21 Q Did the President indicate to you anything about
22 the substance of Mr. Ehrlichman's report?

23 A No, he did not.

24 Q Did the President indicate to you whether Mr. Dean,
25 back in March, had told the same or a similar set of facts
concerning the involvement of Haldeman and Ehrlichman?

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1 A I didn't gather that. I don't think it was speci-
2 fically discussed. My reaction to that is that the President
3 was, in fact, saying that Dean came and told him what he had
4 been doing with the Committee, and that whether or not he
5 specifically got into discussions of what Haldeman and Ehrlich-
6 man were doing, I don't know.

7 I couldn't draw that. I had to conclude that that
8 was somewhat muted. Otherwise, the President would not have
9 chosen one who was deeply involved to investigate the matter
10 anew. But that assumes innocence on the part of the parties
11 involved, of course.

12 Q As a result of the President having told you that
13 Dean may have been making the statements that you related to
14 the President in order to exculpate or help himself in some
15 way, did you conclude that this was something recently dis-
16 closed by Dean and not something which Dean may have been
17 telling people at an earlier date than you had learned?

18 A Well, I can't be certain, but my reaction to that
19 is that I was dissatisfied from what I considered to be the
20 President's knowledge based on the earlier conversation, and
21 it was because of that dissatisfaction that I suggested that
22 he now talk to John Dean again; that he hear directly from
23 John Dean what John Dean was telling the Prosecutors.

24 There is another reason for that. We were under
25 some inhibitions with respect to what Dean was telling us.

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1 It was told to us in confidence. So we were told in confi-
2 dence with the commitment that it would not be used directly
3 or indirectly. I didn't feel free to put, you know, whatever
4 I had of that out, but I certainly felt that it was entirely
5 proper for the President, as head of the Government -- par-
6 ticularly the man in charge of the White House -- to be in-
7 formed of these things so that he could take proper admini-
8 strative action.

9 And for those two reasons, I suggested that he talk
10 with John Dean. And they did talk that night.

11 Q My question really focuses on whether you got the
12 impression, after the President described those motives to
13 Mr. Dean for having come to the Prosecutors with this in-
14 formation, that this was news to the President. That the
15 involvement of Haldeman and Ehrlichman, as Dean explained it,
16 at least preliminary to the prosecutors, was new information
17 coming to the President from you rather than from Dean at an
18 earlier time?

19 A Well, there's no statement that I could attribute
20 to the President that would definitely answer that question.

21 My reaction to the April 15th was that the Presi-
22 dent exhibited a lack of shock, or that he was in immense
23 control of himself. But these are reactions.

24 A man, who is used to dealing with global crises
25 probably takes these things in stride. But he was calm and

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1 collected.

2 Q So he did not seem surprised by your narration that
3 Haldeman and Ehrlichman seemed to be involved in some criminal
4 activity?

5 A Well, there was no visible sign of emotion, in any
6 event.

7 Q Did the President indicate to you whether Mr. Halde-
8 man or Mr. Ehrlichman, or both, had denied the facts related
9 by you to the President about them?

10 A I'm not sure that he did so on the 15th. There
11 was a time earlier in that week, and I can't fix a date,
12 when the President said, "Well, you know, they think they're
13 innocent." But then he said, "I suppose everybody always
14 thinks he's innocent." That's one of his statements that
15 stands out in my mind.

16 So, you know, I assumed that there was some dis-
17 cussion by him with them in which they protested.

18 Q Did you ever tell the President not to dismiss or
19 call for the resignations of Haldeman or Ehrlichman before
20 corroboration was obtained?

21 A No. No, indeed. My point was whether or not we
22 have a case. What we're talking about is fitness to hold
23 office and they were not fit to hold office in the White
24 House, and I stated that starkly.

25 Q And was there a discussion, at this time, about

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1 whether or not John Dean and/or others ought to be immunized
2 from prosecution?

3 A There was some discussion of immunity, yes. And
4 one of the questions the President raised was whether or not
5 Dean was talking this way about others in order to save him-
6 self.

7 And I guess my response was, "That wasn't one of
8 the hard questions we had to determine, in any immunity grant.
9 And, certainly, it was our responsibility to corroborate the
10 information and that, in any event, I was fully aware of the
11 implications of immunizing upper echelon leaders in the Govern-
12 ment in this type of investigation.

13 This debate went on for a couple of days in which,
14 I felt, I made it quite clear that the responsibility was
15 mine under the Statute, but I received no direction from the
16 President not to immunize.

17 Q Could you characterize it as at least a cautionary
18 discussion in which the President brought to you possible
19 reasons why immunity should not be extended?

20 A Yes. I think you could describe it as a cautionary
21 discussion. But the type of cautionary discussion that any-
22 one opposed to immunity in principle might entertain. I
23 couldn't describe any motive to it.

24 Q Now, earlier, you indicated, with respect to the
25 so-called Dean report, that the President said that Dean

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1 could not, in substance, bring himself to put it on paper
2 because it would be a confession of Dean's own improper or
3 illegal activities.

4 Was it your impression, or did the President indi-
5 cate, that Dean had not, at the time that the President asked
6 Dean to prepare such a report, provided information which
7 would be incriminatory of Dean?

8 A Well, I suppose I better give you -- I think that
9 might be a fair inference but the President said, "Dean came
10 in and told me all about these things. My goodness, that was
11 the first time I heard. I sent him up to Camp David and told
12 him, 'Sit down and write this out.' He came back and hadn't
13 done it." Conclusion -- which was the President's -- "I
14 suppose he was too involved to be able to do it."

15 "And, at that point, I asked Ehrlichman to sit down
16 and get me the facts."

17 So there are two inferences. One that Dean was
18 distraught and, two, that he was involved, and three, the
19 President, now, couldn't rely on him because the President
20 thought he was involved, in any event -- that's a possible
21 third inference.

22 Q Now, do you recall discussing with the President,
23 at some time -- strike that.

24 I think you have testified earlier that the Presi-
25 dent, at some time, indicated to you that Dean had been

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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

96-296 O

WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$3

so I called John Dean on the telephone and told him, John, there is no point in my coming over there, we are going to recommend jail time and these people are going to be immunized and we then discussed what immunity meant, what the alternatives are—and they are: you can be contumacious and go to jail almost immediately or you can lie and take your risk that the Government will be able to prove it, which may give you a little bit of time, or you can cooperate, and I spelled those out for him and that ended the conversation.

Mr. DASH. We have had testimony from Mr. Kleindienst and I think Mr. Kleindienst indicated that you perhaps would be our better witness as to what occurred on April 14 which led also to a meeting on April 15 with the President. What actually led to the meeting that you had with Mr. Titus, Mr. Silbert, Mr. Glanzer, Mr. Campbell, on April 14?

Mr. PETERSEN. Mr. Silbert was trying to get me all throughout the day on April 14. I did not get home until approximately 6 or 7 o'clock in the evening. I called him and he said it was imperative that he see me, that he, Titus, Silbert, Glanzer, meet with me immediately. And I agreed. So we set up a meeting in my office at 8:30 that night. They came down and they launched into the fact they had made a breakthrough in the Watergate case and that it was of significant proportions and that they were in the course of attempting to negotiate an agreement for John Dean's testimony and they had received certain information from him in the course of the negotiations which they had agreed not to utilize unless some type of agreement was reached. They had received also testimony from Jeb Stuart Magruder which seemed to corroborate the skeletal facts Mr. Dean had given them and that on the basis of all of these facts they concluded that Mr. Mitchell, Mr. Mardian, Mr. LaRue, Mr. Magruder, Mr. Ehrlichman, Mr. Haldeman, Mr. Dean, were putative defendants.

Mr. DASH. When you had that information, did you call Mr. Kleindienst or did Mr. Kleindienst call you?

Mr. PETERSEN. That was the night of the White House correspondents' dinner and I had great difficulty in getting in touch with Mr. Kleindienst and we finally left word for the White House to get in touch with his car, radio car, and he called me I guess around 12:30 a.m., after the dinner. We then made arrangements to meet at his home.

Mr. Titus and Mr. Silbert and I arrived at his home around 1:30 or 2 o'clock in the morning and we proceeded between then and 5 a.m. to give him a recitation of what we thought was in the offing and who was involved.

Mr. DASH. I take it these are the same facts that you had been briefed on by the prosecutors.

Mr. PETERSEN. That is right, and, of course, it was the unanimous recommendation of all of us that he inform the President immediately because of the implications. This was really the first information that we had to tie it to people of the stature of Mr. Mitchell and Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. And did you set up a meeting or did Mr. Kleindienst set up a meeting with the President?

Mr. PETERSEN. Mr. Kleindienst agreed he would set up such a meeting with the President and, as I recall, he said he was going to—there

was a prayer breakfast over there and he would attempt to set it up while he was there.

I next heard from Mr. Kleindienst at approximately 2 o'clock Sunday afternoon and he asked me to come down to the office and I did so, and while there, he said he was going to go and see the President again at 3 or 3:30 p.m., and maybe it would be a good idea if I would come with him, and I said OK.

Mr. DASH. Was it at that time that you and Mr. Kleindienst gave a complete briefing as to what you had learned from the prosecutors—

Mr. PETERSEN. Yes, sir.

Mr. DASH [continuing]. To the President?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Can you tell the committee what the reaction of the President was at that time?

Mr. PETERSEN. Well, I guess the reaction of the President was one of concern when I remember remarking to Mr. Kleindienst how I admired his calm. I would have been cussing and fuming. He was concerned, and you have to understand that I had seen the President only on ceremonial occasions or briefings on legislation. He didn't know me from Adam.

Mr. DASH. This was your first face-to-face meeting with the President, then, wasn't it?

Mr. PETERSEN. Yes; at any time in a situation where he was relying solely on my advice, and here I was recommending that two people whom he had known and worked with for years be dismissed.

Mr. DASH. Who were they?

Mr. PETERSEN. Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. What was his reaction to that recommendation?

Mr. PETERSEN. He understood my concerns and he appreciated my candor and my concern for the Presidency and my position was that I can't guarantee you that we have a criminal case at this point, but I can guarantee you that these people are going to be a source of vast embarrassment to the Presidency and for that reason I think that the best thing that you could do would be to get rid of them immediately.

The President's response was interesting. He said, yes, but he owed them an obligation of fairness, too, and I didn't disagree with that. If somebody came in and said about my two assistants you have got to fire them immediately, I would take time to look.

Mr. DASH. What office—

Mr. PETERSEN. He took longer than I would have liked. I guess I was a little impatient but he did it and that was the important thing.

Mr. DASH [continuing]. What office was this meeting held in?

Mr. PETERSEN. In the old Executive Office Building.

Mr. DASH. Were you aware at the time, Mr. Petersen, that these conversations were being taped?

Mr. PETERSEN. No, sir; but it didn't surprise me. I would have anticipated—I think if you had asked me I would have thought that was a fair possibility and frankly let me say for the record I have no objection. I think the Chief of State ought to do it.

Mr. DASH. Did you make any recommendation with regard to Mr. Dean?

Mr. PETERSEN. Yes, I did. The President said, "You know, Haldeman and Ehrlichman deny this and I have got to find this out. Dean in

effect has admitted it. Should I request his resignation?" And I said, "My goodness, no. Now, here is the first man who has come in to cooperate with us and certainly we don't want to give the impression that he is being subjected to reprisal because of his cooperation. So please don't ask for his resignation at this point." And the President agreed to hold off until I—until he heard from me further on that issue. That carried on until about the 26th or 27th of October and in a statement on the telephone I reached the conclusion after discussions with Silbert that we had reached an impasse in our negotiations with Mr. Dean.

Mr. DASH. You don't mean October. You mean April.

Mr. PETERSEN. Right, Mr. Dash. April, excuse me.

We had reached an impasse in our discussions with Mr. Dean and that I could no longer justify the President's not asking for his resignation, and—

Mr. DASH. Prior to that time, do you recall having a discussion with the President concerning immunity that might be afforded witnesses?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Could you tell us briefly about that?

Mr. PETERSEN. Well, I think that started—that started the preceding Wednesday. Mr. Ehrlichman had called Mr. Kleindienst and Kleindienst called me up there and said he just had a call from John Ehrlichman and Ehrlichman wants to say he didn't think any White House aides ought to be immunized and it didn't make much of an impression on me and I just made a witticism and said, "Well, tell Ehrlichman he can't count on it." and I didn't think anything more about it. Of course, when I learned at the end of the week—

Mr. DASH. And at this time Mr. Dean was in these conversations, in cooperation with the prosecutor.

Mr. PETERSEN. That is right. At the end of the week when I learned Dean was cooperating it made more sense. The President took it up. The President—we went on with this for about 2 or 3 days. We had a difference in viewpoints, of course. The President's concern—I hope I accurately reflect him but it seemed to me the President's concern was that from a public relations point of view, certainly he wanted to leave the impression that he as President was not causing persons who were in the upper echelons of his administration to be immunized and freed from liability. He wanted to make certain that in that respect no one got the impression that they were getting favored treatment.

Well, you know, I understood that to be a consideration but I also understood that if it were in the interests of the prosecution, that it might be necessary to immunize some high echelon person.

Mr. DASH. Did you explain that to the President?

Mr. PETERSEN. I did indeed.

Mr. DASH. And did you get an understanding of who would make the ultimate decision on immunity?

Mr. PETERSEN. Yes, I did.

Mr. DASH. And who would be given that ultimate decision?

Mr. PETERSEN. Me.

Mr. DASH. Now, did that point in time—

Mr. PETERSEN. At that point in time.

to come back to him if we disagreed, and so I think the criticism is wholly unwarranted.

Mr. DASH. Did you receive a call from the President on April 30, 1973?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Could you tell us what that call was about?

Mr. PETERSEN. April 30, 1973?

Mr. DASH. Yes.

Mr. PETERSEN. He called up and said, you can tell your wife that the President has done what needed to be done, and I want to thank you for what you have done.

To the extent that requires some explanation in the course of our conversations, I was impressing upon the President the situation so far as I was concerned was degenerating, and it was vitally affecting the people's confidence in the White House, and I related to him a conversation that I had with my wife at the breakfast table in which she had said, "Do you think the President is involved?" And I related that to the President and I said, "If I reach the point where I think you are involved, I have got to resign. If I come up with evidence of you, I am just going to waltz it over to the House of Representatives," but I said, "What is important is that my wife, who is no left wing kook, is raising these questions of me, and that indicates to me that you have got a most serious problem."

And that affected the President quite strongly, and when he called me on April 30, he made that point.

Mr. DASH. This was the day that he announced the resignation of Mr. Haldeman, and Mr. Ehrlichman, and the leaving of the office at his request of Mr. Dean.

Mr. PETERSEN. That is right.

Mr. DASH. I have no further questions, Mr. Chairman.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Petersen, let me ask you a few more detailed questions about your meeting with the President on April 15. You stated that you told him on that occasion that although you possibly didn't have a criminal case against Haldeman and Ehrlichman, that it could be very embarrassing to the Presidency.

What information did you have on Haldeman and Ehrlichman at that time? What had Dean told the prosecutors about Haldeman's and Ehrlichman's involvement in the Watergate matter?

Mr. PETERSEN. Well, we had not too much on Mr. Ehrlichman at that point. We had Dean's statement that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Mr. Hunt's office. If you don't mind, I will refer to my notes on this.

Mr. THOMPSON. Yes, sir.

Mr. PETERSEN. Too, that Mr. Dean had said that Ehrlichman through Dean had informed Liddy that Hunt should leave the country. Hunt corroborated this in part in that he testified that Liddy had told him that Liddy's principals wanted Hunt out of the country.

Hunt did not testify with respect to or identify Ehrlichman.

That is the basic information, the only information we had on Ehrlichman at that point.

Mr. THOMPSON. Had he said anything at that point about furnishing money to the defendants or the defendants' families or about Ehrlichman's approval of money being raised and distributed to the families?

Mr. PETERSEN. Yes. I think that that was mentioned—well, that Ehrlichman had said, well, tell them we will do what we can, you know. It was not specific with respect to any amount of money.

Mr. THOMPSON. Was Kalmbach mentioned in this regard?

Mr. PETERSEN. Kalmbach was mentioned but not with any definitive nature of the allegations against him, only that—

Mr. THOMPSON. The major emphasis was on the "deep six" comment?

Mr. PETERSEN. So far as Ehrlichman was concerned. So far as Haldeman was concerned, Dean had allegedly told Haldeman that there was a series of meetings, three in number, with John Mitchell which took place in Mitchell's office.

Mr. THOMPSON. Beg your pardon? I am sorry. What did you say?

Mr. PETERSEN. Dean had told Haldeman, according to Dean, that there was a series of meetings, three in number, in Mitchell's office in which Liddy, Magruder, Dean, and Mitchell were present, and at each of these meetings the Liddy operation was discussed, the purpose being to obtain information about Democrat Presidential contenders.

On two occasions, Mitchell refused to authorize the budget proposals, the first being for \$1 million and the second \$500,000. On the third occasion, Mitchell approved a reduced budget of \$300,000. The operation was described as Operation Gemstone. Magruder had said that the budget information was given to Strachan. Magruder also said that the information given to Strachan was for delivery to Haldeman. But Magruder was not in a position to say that Strachan actually received it—actually delivered the information or that Haldeman actually received it.

Dean stated that after the second meeting with Mitchell, Liddy and Magruder returned to the White House, relayed the information to Haldeman, and the nature of the proposal was discussed and stated that we ought not to have any part of them. Dean stated Haldeman agreed. But I pointed out to the President that apparently no one took the laboring oar to try and stop them, and I thought that that was certainly the responsibility of someone like Haldeman.

Magruder further stated that he caused to be delivered to Strachan for transmittal to Haldeman a summary of the intercepted conversations. Again I told the President, Magruder was not in a position to say that Strachan actually delivered that information. Strachan at that point was being interrogated, and there was some indication that he might be willing to cooperate, and I told the President those negotiations were underway and we thought that they would ultimately bear fruit and that that would in effect give us two or possibly three witnesses against Haldeman and that was a very dire situation, and while I couldn't say we had a criminal case at the time, certainly one was in the offing.

Mr. THOMPSON. When did you make those notes?

Mr. PETERSEN. Sir?

Mr. THOMPSON. When—

Mr. PETERSEN. The President asked me to reduce to writing what I said to him about those two, Haldeman and Ehrlichman, and I did that and gave it to him on April 16.

Mr. THOMPSON. And that is the same thing that you have before you right now?

Mr. PETERSEN. Yes, sir.

Mr. THOMPSON. Would there be an objection to making that a part of our record?

Mr. PETERSEN. No, sir.

Mr. THOMPSON. If we could at a subsequent time make a copy of that, unless you have an extra copy.

Mr. PETERSEN. I do not know whether I have an extra copy, Mr. Thompson, but I will be happy to give this to you and you give me a copy back. That will satisfy me.

Mr. THOMPSON. Would that be agreeable with the chairman?

Senator ERVIN. All right. Let the record show the notes identified by Mr. Petersen will be appropriately marked as exhibits and admitted into the record as such.

[The document referred to was marked exhibit No. 147.*]

Mr. THOMPSON. All right, Mr. Petersen. So essentially, to go into a little bit more detail—you have touched on this—one White House member, Mr. Dean, was telling some very significant and dire things about two other White House members, Mr. Haldeman and Mr. Ehrlichman. What was the President's reaction to this situation? Did he express a particular belief or disbelief in any version or any individual or how did he evaluate the posture of those?

Mr. PETERSEN. I think it is fair to say he was kind of upset about Dean. He said that when he first learned about this that there were more problems in store for him than he had anticipated on March 21 and he had asked John Dean to reduce these to writing and sent him up to Camp David to do so and apparently Dean was unable to reduce them to writing and the President commented, I suppose because of his involvement, and he was concerned that perhaps Dean was trying to lighten the load on himself by impeaching Haldeman and Ehrlichman and the question in the forefront of his mind was the validity of the Dean information. That was the importance of Magruder's information and the possibility of Strachan coming through as a corroborating witness.

Mr. THOMPSON. Did he say precisely what Dean had told him on March 21?

Mr. PETERSEN. No, sir; he did not.

Indeed, he said that he told Dean to go up and write a report and he never got such a report and Dean was unable to write it.

Mr. THOMPSON. How did you phrase it a moment ago? What did he say about the 21st?

Mr. PETERSEN. He had first learned that—the words are mine, not the President's. He first learned that there were more significant problems than he had anticipated on March 21.

Mr. THOMPSON. Did he indicate that on March 21 he had learned what you were telling him?

Mr. PETERSEN. No, sir; he did not. What he did suggest was that after Dean had failed to provide him this report, he had told Ehrlich-

*See p. 3875.

man to conduct an investigation. I never asked him for the product of Ehrlichman's investigation, nor do I know what it consisted of.

Mr. THOMPSON. Did you ever discuss with the President the possibility of his talking to Liddy or Liddy's lawyer?

Mr. PETERSEN. No, sir. During the course—I did suggest to the President that he ought to hear John Dean himself, that he ought to hear from John Dean what John Dean was telling the prosecutors to aid the President in making up his mind with respect to his future course of conduct toward Haldeman and Ehrlichman.

At my home later that Sunday evening, on April 15, Charlie Shaffer, Mr. Dean's lawyer, called and present were Mr. Silbert and Mr. Glanzer, stated that he—Dean had had a call from Mr. Ehrlichman who wanted to meet with Dean and requested our advice. We told him not to meet with Mr. Ehrlichman but that it would be perfectly agreeable to meet with the President. Thereafter he called back and said that Mr. Dean had sent a message back to the White House suggesting that he would be happy to meet with the President, and what have you. The President called me that evening and said he had received that message and should he meet with him and I said by all means. He called again to say that the meeting had been set up. He called then again around 9:30 or 9:45—I did not know that Mr. Dean was still there—and said that he had received information that Liddy was waiting for some sort of signal from the White House, and the President, as to whether or not he should be cooperative or testify and the President charged me with conveying that information to Mr. Liddy. I got in touch with Mr. Tom Kennelly, who is local counsel for Mr. Liddy, passed that message on to him. I was thereafter called around midnight by Mr. Maroulis, who is principal counsel for Mr. Liddy and imparted the same information, namely, that if Mr. Liddy was not cooperating out of any sense of misguided loyalty or loyalty to the administration, or what have you, that he was misguided and the President wanted him to cooperate. Mr. Maroulis thanked me for the information and that was it. We have not heard from Mr. Liddy.

Mr. THOMPSON. Did the President ever tell you anything else that was discussed in his conversation with Dean on April 15?

Mr. PETERSEN. No; I did not want to hear it.

Mr. THOMPSON. Why?

Mr. PETERSEN. The reason I did not want to hear it was because we were in negotiation with Mr. Dean and that negotiation was predicated upon certain promises, that he would make certain disclosures to us in order for us to determine whether or not an immunity should be accorded him upon our representation that we would not use that information directly or indirectly against him if no deal was struck. So I did not want to receive information that came from Mr. Dean from any other source in order to keep that situation, very difficult situation, as clean as it could possibly be. The President offered to let me hear the tape and I did not want to hear it.

Mr. THOMPSON. Up until April 30, when Dean was discharged, had Dean told the prosecutors anything that would in any way implicate the President in obstruction of justice or anything along those lines? Did he mention a September 15 conversation, for example, or that he had previously told the President of these matters and the President had failed to act?

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE: SUBPOENAS DUCES TECUM ISSUED
TO PRESIDENT RICHARD M. NIXON
FOR PRODUCTION OF TAPES

MISC. NO. 47-73

Monday, November 12, 1973

The above-entitled cause came on for further hearing
at approximately 10:55 a.m., before THE HONORABLE CHIEF JUDGE
JOHN J. SIRICA.

APPEARANCES:

On Behalf of the Special Prosecutor Force:

RICHARD BEN-VENISTE
JILL WINE VOLMER
PETER REENT
GERALD GOLDMAN
LAWRENCE LASON

On Behalf of President Richard M. Nixon:

SAMUEL J. POWERS
DOUGLAS H. PARKER
LEONARD GARNETT
RICHARD HAUSER
GEORGE P. WILKINS
GREGORY HAYNES

NICHOLAS SKAL
Official Court Reporter
4800-F U.S. Courthouse
Washington, D. C. 20001

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been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MRS. VOLNER:

Q Please state your name and occupation.

A My name is Henry Petersen. I am Assistant Attorney General of the Criminal Division, of the United States Department of Justice.

Q How long have you been the Assistant Attorney General?

A Approximately two years.

Q And you have been with the Department of Justice for how long?

A Approximately 26 years.

Q Have you last April had occasion to talk to the President concerning statements being made by John Dean?

A Yes, I did.

Q And will you relate very briefly what your conversation with the President was on April 15, of 1973?

A On April 15, 1973, it was the consensus that the President should be advised that certain matters had developed in the investigation of the case, which reflected on his immediate associates, and Mr. Kleindienst and I undertook to advise him of that information on Sunday afternoon, April 15th.

And, since the substance of the recommendations that we could

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have made were at the very least a severe reflection on the part of Mr. Nixon's associates, and that information stemmed in part from information made available to the prosecutors, specifically Mr. Glanzer and Mr. Silbert, by Mr. Dean, I suggested to the President that it would be most appropriate if he talked with John Dean to learn directly from John Dean what John Dean was telling the prosecutors so that rather than having it second or third-hand, the President would get it directly, and he would be better informed so as to determine what, if any, action he should take concerning persons who occupied the position of responsibility at the White House.

Q Do you recall where that meeting was between Mr. Kleindienst, yourself, and the President?

A Mr. Kleindienst and the President and I met at the Executive Office Building, approximately 3:30 in the afternoon on Sunday, April 15th.

Q Was there any general discussion of the immunity?

A The question was raised as to whether or not John Dean was giving information with respect to other persons at the White House in order to relieve himself of liability, and the President was informed that the basis on which the information was given was to enable the prosecution to make a determination as to whether or not Mr. Dean should be accorded immunity.

Q Did you, at that time, explain to the President the

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John Deen at the time, had a severe reflection on the
part of Mr. Nixon's associates, and that information seemed
important that information was available to the prosecutors,
specifically Mr. Cramer and Mr. Silbert, by Mr. Deen. I
suggested to the President that it would be most appropriate if
he talked with John Deen to learn directly from John Deen what
John Deen was telling the prosecutors so that rather than having
it second or third-hand, the President would get it directly,
and he would be better informed so as to determine what, if any,
action he should take concerning persons who occupied the
position of responsibility at the White House.

Q Do you recall where that meeting was between Mr. Wainwright, yourself, and the President?

A. Mr. Kleindienst and the President and I met at the Executive Office Building, approximately 3:30 in the afternoon on Sunday, April 17th.

Q Now there any general discussion of the immunity?

3. The question was raised as to whether or not John
Dunn was giving information with respect to other persons at the
time Dunn was under an arrest because of lackluster, or
in other words, did Dunn give the name of other persons when
he was arrested? The answer was that he did not.

2000

conditions or circumstances under which Mr. Dean's talking to the Prosecutors?

A. Yes, I told the President that the information that was being made available to us from his lawyer and to some degree from Mr. Dean directly was received by the prosecution with the representation that it would not be used directly or indirectly in the investigation; and it would be used only to enable us to make a determination as to whether or not a grant of immunity to Mr. Dean would be in the public interest.

Now, there was one qualification of that, and at approximately midnight on the preceding day, the 14th, since it was the recommendation of the prosecutors' staff and the unanimous conclusion of all who at that point were discussing the matter, that the President should be informed, we felt it necessary to convey that information to Mr. Dean and his counsel, Mr. Charles N. Shaffer, who represented Mr. Dean, was advised at approximately that time of night and agreed that it was, would not be a breach of the agreement, and that it was perfectly acceptable to them that the President be informed.

Q. And did the President, after your afternoon meeting on the 15th, inform you that he was going to meet with Mr. Dean?

A. I had suggested that the President meet with Mr. Dean, and after we left the President's office, I went to my home where I met with Mr. Shaffer -- excuse me -- Mr. Glanzer and Mr. ⁴³⁸⁰⁶Ellbert

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1973

96-296 O

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Washington, D.C. 20492 - Price \$3

I was up at 8:30 a.m. As a result of that meeting we agreed that I had to see the President. I put a call in to the White House at 8:30 a.m., the President returned my call at 9:30 a.m. I told him it was absolutely imperative that I see him right away. He said that I have the Sunday service at the White House at 11 a.m. I told him that rather than go to church with my wife and children I would go up there and attend that service at 11 o'clock and be available to see him after that was over.

I think the reception lasted until approximately 1 o'clock and around 1 o'clock in the afternoon I met with the President in his office in the Executive Office Building.

Mr. DORSEN. Now, am I correct that at least part of the meeting was devoted to briefing the President and that one of the decisions made on the afternoon of April 15 by you would be that you would in effect withdraw from the supervision of the prosecution of the Watergate case?

Mr. KLEINDIENST. The whole meeting was devoted solely to talking about the information that I had obtained that night and the consequences that inevitably must flow from it.

Mr. DORSEN. Now, I would like to show to you a document which you provided the committee dated April 15, 1973. The first page is typewritten. The page under it is handwritten. I ask if you can identify that for the committee?

Mr. KLEINDIENST. Yes. I know what you have in your hand, Mr. Dorsen. I furnished it to the committee. The document underneath, in my handwriting, is a document that I wrote out in my office in the presence of Mr. Petersen after he and I had met with the President of the United States in which I set forth the reasons why I had to recuse myself from any further contact or involvement in the Watergate case and in which I designated him to substitute for me as the Attorney General of the United States in anything further concerning the Watergate case.

I further requested that he communicate this decision of mine to—in the contents of this memorandum to U.S. Attorney Titus, Silbert, and to Acting Director Gray of the FBI. I signed it and I had Mr. Petersen sign it indicating the time that he received it. It was important for me to establish the time when I no longer had any connection with the Watergate thing.

I then Xeroxed a copy of my handwritten statement and gave it to him and I kept the original. And this is it—the top document that you handed me is a typed document of my handwritten document.

Mr. DORSEN. Mr. Chairman, I request that the document identified and summarized by Mr. Kleindienst be admitted into evidence.

Senator ERVIN. It will be received and appropriately marked as an exhibit and admitted in evidence as such.

[The document referred to was marked exhibit No. 145.*]

Mr. DORSEN. What does the word "recuse" mean in this context?

Mr. KLEINDIENST. It is a technical word used by lawyers and particularly those in Government service which signifies that for one reason or another, usually ethical reasons, that you withdrew from any further participation in a particular matter.

*See p. 3360.

Senator GURNEY. The problem, I guess, was that there was a coverup and people weren't advancing information.

Mr. KLEINDIENST. I have arrived at that conclusion, Senator Gurney.

Senator GURNEY. I think that is what we found here in these many weeks.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. One question on that meeting with the President. I am not sure that it was covered.

Mr. KLEINDIENST. What meeting is that?

Senator GURNEY. This is the April 15, Sunday meeting.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. Did the President ever—did he tell you in the meeting what he had been advised previously by John Dean?

Mr. KLEINDIENST. No, sir; not to my recollection.

Senator GURNEY. That was not discussed?

Mr. KLEINDIENST. No. I was more interested in telling him what I knew and then dealing with the consequences of that knowledge on my part, my own deep feelings and what to do next. The decision to—my recommendation to—have Henry Petersen act in my place and stead—getting Henry—Henry was working on his boat and came into his first meeting with the President with tennis shoes and a dirty T-shirt, very embarrassed—going back to my Department—executing a document by which I recused myself, and then going home.

Senator GURNEY. Your logs show a number of phone calls and meetings during this period of time from the June 17 break-in until, well, through almost your resignation, phone calls with Colson, for example. Did those cover Watergate at all?

Mr. KLEINDIENST. I never recall ever talking about Watergate with Mr. Colson.

Senator GURNEY. There are also a number of telephone conversations with Mr. LaRue. Did you ever discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. And also one or two with Haldeman. Did you discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. There were a few phone calls with Mr. Krogh. What were they the subject of?

Mr. KLEINDIENST. I think that was brought to my attention by Mr. Haire of your committee yesterday. That I had some conversations with Mr. Krogh on Monday the day before the general election. I think you will also see on that day there must have been 60 or 70 calls, and I had meetings with Mr. Colburn who was Director of the U.S. Marshal Service and Chief Wilson of the Metropolitan District Police. Those conversations had to be with respect to problems involving demonstrators in anticipation of the election returns the next day.

Senator GURNEY. They had—

Mr. KLEINDIENST. Mr. Krogh, one of his assignments was to coordinate on behalf of the White House, District of Columbia, and Department of Justice in this situation; nothing with respect to this situation, Dr. Ellsberg, or anything else. I never heard of the so-called Plumbers until it became publicly revealed.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
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Printed for the use of the
Select Committee on Presidential Campaign Activities

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V

No. 145—(3573) Letter dated April 15, 1973, by former Attorney General Kleindienst in which he sets forth reasons why he had to recuse himself from any further contact or involvement in the Watergate case.....	3860
No. 146—(3623) Memorandum dated December 5, 1972, re: TSD photographs (includes photographs of Dr. Fielding's automobile, business establishment, "Postal Instant Press," etc.).....	Page 3861
No. 147—(3634) Notes Henry Petersen gave President Nixon on April 16, 1973, re: John Ehrlichman, H. R. Haldeman, and Gordon Strachan, concerning Watergate investigation.....	3875
No. 148—(3665) Memorandum from Charles Colson to H. R. Haldeman dated July 2, 1971. Also phone transcript of Colson and Hunt, July 1, 1971.....	3877
No. 149—(3670) Phone transcript of Conein, Hunt, and "F.C." (Colson) July 9, 1971.....	3881
No. 150—(3675) Memorandum from Hunt to Colson dated July 28, 1971, subject: Neutralization of Ellsberg.....	3886
No. 151—(3681) Affidavit of E. Howard Hunt. Notarized April 5, 1973.....	3887
No. 152—(3693) Phone transcript of conversation between E. Howard Hunt and Charles Colson, late November 1972.....	3888
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No. 154—(3730) Memorandum to Charles Colson from Krogh and Young dated August 3, 1971, subject: "Reference to the Memorandum to you from Howard Hunt dated July 28, 1971, on Neutralization of Ellsberg".....	3893
No. 155—(3759) Photograph of John Buckley.....	3894
No. 156—(3759) Affidavit of Jerald F. terHorst, dated September 25, 1973.....	3895
No. 157—(3807) Memorandum from Charles Colson to John Dean dated August 11, 1972. Also letter to Charles Colson from E. Howard Hunt dated August 9, 1972.....	3897

NOTE.—Figures in parentheses indicate page that exhibit was officially made part of the record.

EXHIBIT NO. 147

April 16, 1973

John Ehrlichman

We have no other information as of this time except the following items:

1. That Ehrlichman in the period immediately following the breakin told John Dean to "deep six" certain information recovered by Dean from Hunt's office.

2. That Ehrlichman through Dean informed Liddy that Hunt should leave the country. Hunt corroborates this in that he testified before the grand jury that Liddy told him that his, Liddy's, principals, wanted Hunt out of the country. Hunt states that as he was preparing to leave, he was called again by Liddy and informed by Liddy that Liddy's principals had countermanded the order. Hunt further states that notwithstanding he then departed for California.

With respect to Item One you will recall that I told you that Dean had on one occasion indicated to me that he had given certain non-Watergate information recovered from Hunt's office to Pat Gray personally. Sometime during the middle of March, I had occasion to consider this matter and I asked Pat Gray. Gray told me on that occasion that he had received no information from John Dean other than that which was given to the agents.

Today I again raised the matter with Pat Gray and told him specifically what Dean had stated to the prosecutors who are debriefing him. Gray emphatically denied that he had ever received any information from Hunt's office from John Dean. Gray states that all the information and records recovered from Hunt's office were received by agents of the FBI in the normal course of business.

Bob Haldeman

With respect to Bob Haldeman's alleged involvement in the Watergate Dean states that in December of 71 or early parts of January 1972 there were a series of meetings, three in number, with John Mitchell which took place in Mitchell's office.



- 2 -

Present were Liddy, Magruder, Dean and Mitchell. At each of these meetings the Liddy operation was discussed. The purpose being to obtain information about Democratic presidential contenders. On the first two occasions Mitchell refused to authorize the budget proposals. The first being \$1,000,000 and the second \$500,000. On the third occasion Mitchell approved the reduced budget of \$300,000. The operation was described as "gemstone." Magruder says the budget information was given to Strachan. Magruder also says that information given to Strachan was for delivery to Haldeman. Magruder is not in a position to say that Strachan actually delivered the information.

Dean states that after the second meeting with Mitchell, Liddy and Magruder, he returned to the White House and relayed to Bob Haldeman the nature of the proposals being discussed and stated that we ought not to have any part of them. Dean states Haldeman agreed but apparently no one issued any instructions that this surveillance program was to be discontinued.

Magruder further states that he caused to be delivered to Strachan for transmittal to Haldeman a summary of the intercepted conversation. Again Magruder is not in a position to say that Strachan actually delivered the information to Haldeman. Magruder does say that the nature of the information was such that it was clear that it emanated from intercepted telephone conversations.

Strachan

Strachan appeared at the U. S. Attorney's office was informed of his rights and ~~advised~~ was questioned by the prosecutors concerning the Haldeman allegation. Despite considerable fencing Strachan refused to discuss the matter and he was excused by the prosecutors with instructions to obtain legal counsel and return this afternoon.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 26, 27, AND 30, 1973

Book 7



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

96-296 O

WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$3

APRIL

From April 1 to 7, I was in San Clemente with the President. Despite Mr. Dean's statement that during that period he, under advice of counsel, endeavored to avoid any contact with Haldeman, Ehrlichman, or Mitchell—we talked on the phone daily. The main problem he seemed to have during that period was the continuing one with Mitchell regarding the discrepancy on the number of meetings.

It is my understanding that Dean hired a lawyer, Mr. Shaffer, about March 30. He had indicated earlier that he might do this so he—and, through him, the President—could consult an attorney familiar with criminal law on the implications of some of the concerns Dean was developing. He told me that his lawyer had told him he should not write anything down about the Watergate case and, if he had written anything down, he should not show it to anyone and he should not talk to Mitchell or Magruder. He did not mention to me that his lawyer had told him not to talk to me or Ehrlichman and he did, in fact, continue to talk—to me, at least.

He told me his lawyers had met privately with the U.S. attorneys on April 4. He told me again on April 7 that his lawyers had met with the U.S. attorneys on April 6. This despite the fact that in his testimony he has said that his lawyers were meeting with the prosecutors but this was unknown to Haldeman or Ehrlichman.

He further said that the U.S. attorneys had told his lawyers—and he believed that this was the straight information because this was an eyeball-to-eyeball meeting—that the U.S. attorneys were only interested in the pre-June 17 facts. They had no concern with post-June 17. They only wanted Dean as a witness. They did not consider him a target of their investigation. They did not consider Haldeman as a target and probably would not even call him as a witness. Liddy had told them everything but his lawyers didn't know it; and Liddy completely cleared the White House; that is, in telling them everything, Liddy had confirmed that nobody in the White House had had any involvement.

We returned to Washington on April 8. During that week Ehrlichman continued his investigation—and on Saturday the 14th reported his conclusions to the President in the form of a verbal statement of his theory of the case based on all of the information he had acquired—still, of necessity, mostly by hearsay.

There were several meetings with Dean that week and I recall a continuing concern on Dean's part regarding the discrepancy with Mitchell and the planning meetings. I don't recall any major changes in Dean's view of the facts from what he had reported on the phone earlier.

By the end of the week both Dean and Ehrlichman had come to the view that Mitchell had approved the Watergate plan and there was some discussion that, if that were the fact, and if Mitchell decided to step forward and say so, it would be a major step in clearing up the Watergate mystery. This was not discussed in any context of asking Mitchell to do this as a scapegoat or to divert attention from others—but as a major step in bringing out the truth.

Over the weekend, both Magruder and Dean met with the U.S. attorneys in private sessions and gave their full accounts of the Water-

gate. These meetings were reported to the President on Sunday the 15th by Attorney General Kleindienst and Assistant Attorney General Petersen. Their report was not very surprising to the President, since it confirmed, with minor variations, the theory that Ehrlichman had given him on Saturday.

Because the Dean and Magruder testimony seriously implicated John Mitchell, Kleindienst removed himself from responsibility on Watergate and the President put Petersen in full charge.

By the end of April, it had become apparent to me that, because of the increasing intensity of charges and rumors in which my name was raised and the need for me to appear before the grand jury and this committee, it was no longer possible for me to perform my White House duties effectively. After some discussions regarding leave of absence versus resignation, I concluded I should resign and the President agreed. I resigned on April 30.

I said then that I was confident that when the full truth was known it would be clear I had had no knowledge of or involvement in Watergate or any "coverup" and I had not failed to meet the very high standards of integrity which President Nixon had properly expected of everyone on his White House staff and which I have always held for myself.

I have that confidence in full measure today and I welcome the opportunity to help in the process of making the truth known.

Senator ERVIN. I think it is appropriate not to take up the examination of the witness until in the morning. I do want to make some observations concerning the matter which Fred Thompson mentioned.

Unfortunately we did have on several occasions while Mr. Ehrlichman was testifying some demonstrations from some members of the audience. I deplored those demonstrations and may have been at fault in not squelching them more vigorously.

I want to announce now that no such demonstrations will be permitted in the future and if any person who engages in one can be identified, the officers should eject him from the committee hearing room because I certainly agree with Fred Thompson who has rendered very valuable services to this committee that it would be highly desirable if we could do exactly the same here as is done in a courtroom and conduct an investigation in an atmosphere of judicial calm.

I am going to say, however, that the questions put to Mr. Ehrlichman were rather robust and the answers given by Mr. Ehrlichman in response to those questions sometimes were rather robust, too. I quote the King James version of the Bible and I think that the proverb says that "Merry hearts doeth good like a medicine," and sometimes I think a man personally has a constitutional right to laugh even in a solemn hearing room. But I am going to suggest that possibly Mr. Ehrlichman invited some of the demonstrations by certain testimony.

For example, when I asked him if he didn't bug the conversations of Kalmbach and Kleindienst, I believe, he said, no, he didn't bug them. He didn't bug the conversations, he merely recorded them. And I think that that might have invited a little demonstration of

offered Dean are good
DV . office

C

But my principal - says to leave
 (Through Dean)

H -

M⁴ Gruber - says
 document to Straker -

4-15
 Gruber
 Straker
 O'Brien

~~the year~~
 Lays off to Straker for
 Haldeman

Dean may corroborate.
 This O.M.

~~Haldeman~~

I'm not going to
 lie for Erickson

Gray's document -

They have not sent you well -
 That speaks well of you as a man -

M⁴ Gruber - (Haldeman) disclosed
 June 19

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[3821]

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS

18 USC 2511 and
18 USC 2512

United States District Courthouse
3rd & Constitution Avenue, N. W.
Washington, D. C.

August 23, 1973

The testimony of HENRY E. PETERSEN was taken in
the presence of a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
United States Department of Justice

DV

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Washington, D.C. 20002
(202) 546-6666

1 A No, not early in the investigation, Mr. Ben-Veniste.
2 Late in the investigation, post-conviction. Pat Gray informed
3 me that they had a lead which came from a CIA Agent, a contract
4 Agent or informant, I'm not sure, but in any event, a person
5 in a very sensitive spot, that information that money was
6 being funneled to the defendants through a kick-back arrange-
7 ment and that money originated with the Committee to Re-elect
8 the President -- in other words, it would be given to them and
9 they would take it and convert it and contribute it to the
10 Cuban committee for the defense of the Florida five, or some-
11 thing like that.

12 He said the CIA was very concerned about the sensi-
13 tivity of its source and "What should we do?". I wrote on
14 the memorandum which he took back with him, "Investigate
15 this and check it out."

16 I assume he did. I mentioned it to Mr. Ruckelshaus
17 after Mr. Gray's resignation.

18 Q Are you aware of what the results of that investiga-
19 tion were?

20 A No, I was not, but about the time the investigation
21 transferred, I would not necessarily be aware.

22 Q When did you learn that the President had ordered
23 Mr. Ehrlichman to conduct an investigation of the cover-up?

24 A April 15th or April 16th. The President told me.

25 Q Did Mr. Nixon tell you any substantive matter that

DV

1 had resulted from Mr. Ehrlichman's investigation?

2 A No.

3 Q Specifically, did the President inform you that Mr.
4 Ehrlichman had investigated the payments, or the allegations
5 concerning payment of money, so-called hush money, to the
6 defendants?

7 A Only in the context of John Dean's statement to him
8 which he alluded to in his press conference last night. The
9 President told me that repeatedly. It somehow seemed to
10 bother him that Dean had come to him and said this, and that
11 the President construed this as blackmail and he told Dean,
12 "There's no problem raising a million dollars, but that's
13 blackmail and you can't do that."

14 It was in that context. I just assumed that he had
15 gotten that from Ehrlichman as well as from Dean.

16 Q Did Mr. Nixon indicate to you when he had first
17 heard about this?

18 A First heard about what?

19 Q The question of payments.

20 A From John Dean, sometime at or about March 21st, or
21 thereafter.

22 Q Did Mr. Nixon indicate whether this was a proposal,
23 or whether he had information that payments had been made?

24 A I don't think it's fair to say that it was a pro-
25 posal. It was an item of information that John Dean didn't

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DV

1 know how to handle, and he was getting rattled at that point,
2 as the President related it, and insisted on seeing the Presi-
3 dent.

4 The President listened to this and gave him the
5 response I indicated.

6 Q Well, let me try to explain what I'm interested in.
7 As we know now, this is not a question concerning an initial
8 payment to the defendants or their families.

9 A That's right.

10 Q My question is really whether the President had been
11 advised at that time that payments had already been made, but
12 that now the demands were escalated.

13 A That was implicit in the conversation because one,
14 for example, I commented that they were idiots, and why they
15 did it, I'll never be able to figure out. They could have
16 advertised in the New York Times, "We're collecting money to
17 defend the Watergate Seven", and he said yes. I said that
18 that would have been perfectly legal, and he agreed.

19 He was aware from some source -- of course we had
20 indicated to him, I guess, in the course of our conversation
21 on the 15th or thereabouts, that we thought that's what had
22 occurred. So it is unclear where he got it from.

23 Q Is it clear whether it was you who initiated this
24 subject, or the President?

25 A The President told me at the point of telling me

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1 that business about Dean coming to him. But in relation to
2 his disappointment in Dean, and Dean's having kept him posted
3 on this, and this came at or about the March 21st thing.

4 I gathered from the President's conversation -- I
5 hate to talk about the President when you're talking about
6 your own impressions of what he said or did. But I gathered
7 this was the precipitating thing that brought John Dean into
8 him.

9 His orders to John Dean were to go up to Camp David
10 and write this whole thing out. He said, "Tell me what it's
11 all about", and this was his discomfort about being informed
12 of this, and not knowing it beforehand.

13 I gathered it was this fact, this demand, this
14 million dollars, or whatever it was that was requested, that
15 triggered Dean's concern.

16 Q Did there come a time when you discussed with the
17 President the subject of immunity for Mr. Dean?

18 A Yes. Those discussions began on April 15th. The
19 President really didn't have any clear understanding of immun-
20 ity, so we had to tell him basically what the law was and how
21 the statute was written and in whom the authority was vested,
22 and his concern was, one -- I suppose it was a concern for
23 image. He didn't want it to appear that high echelon officials
24 in the White House were being immunized. He was afraid that
25 would look like a cover-up, particularly if it was done by

1 other relatively high Administration officials, and I indicated
2 that I shared that concern. I certainly had no desire to
3 immunize principals.

4 That was a factor that we would have to take into
5 consideration, but we might very well have to immunize John
6 Dean, and if so, then I reserved the right to do it, and it
7 was my responsibility and there was no way he could relieve
8 me of it.

9 We discussed that back and forth for about two or
10 three days. We finally reached the agreement that those were
11 factors I should take into consideration, but the judgment was
12 mine.

13 Q Excuse me, Mr. Petersen. What was his initial re-
14 action to the question of immunity?

15 A Well, he was concerned that Dean was falsely accusing
16 others to exculpate himself. That was one concern. The other
17 concern was the public imagery involved.

18 Q The others were Mr. Haldeman and Mr. Ehrlichman?

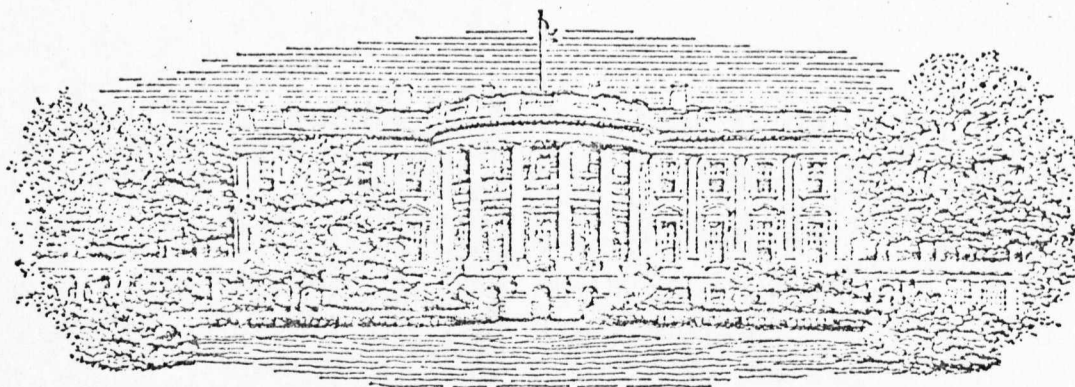
19 A That's right.

20 Q And Mr. Nixon voiced his concern that Mr. Dean might
21 be doing that, and in that context indicated that he did not
22 want Dean immunized?

23 A That's right. Well, that he did not want Dean immun-
24 ized -- it never got that strong because I put it to him rather
25 boldly. "There's not any way", said I, "that you can take this

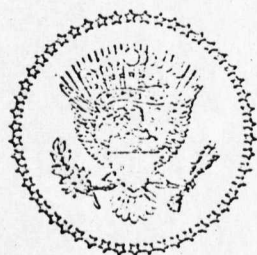
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Weekly Compilation of
PRESIDENTIAL
DOCUMENTS

Monday, April 23, 1973



Volume 9 • Number 16

Pages 379-415

For a term expiring October 26, 1976

MRS. JOUETT SHOUSE, of Washington, D.C., business and civic leader, Washington, D.C.

JOHN T. CONNOR, of Morristown, N.J., president and chief executive officer, Allied Chemical Corp., New York, N.Y.; and former Secretary of Commerce.

For a term expiring October 26, 1974

MITCHELL I. KAFARSKI, of Bloomfield Hills, Mich., chairman of the board, president, and treasurer, Aectron, Inc., Madison Heights, Mich.

WILLIE L. LEFTWICH, of Washington, D.C., attorney, Hudson and Leftwich, Washington, D.C.

The President also announced the designation of Mr. Quesada to serve as Chairman and Mr. Bruckmann to serve as Vice Chairman of the Board of Directors of the Pennsylvania Avenue Development Corporation.

In addition to the eight members appointed by the President the Board of Directors also consists of the following: Secretary of the Interior, Secretary of the Treasury, Secretary of Housing and Urban Development, Secretary of Transportation, Administrator of General Services, Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council. The eight members appointed by the President will serve terms of 6 years once the initial staggered terms have expired.

The Pennsylvania Avenue Development Corporation was established by the Pennsylvania Avenue Development Act of 1972 (Public Law 92-578) to provide for the preparation and carrying out of a development plan for the area between the White House and the Capitol.

The Watergate Investigation

The President's Remarks Announcing Developments and Procedures To Be Followed in Connection with the Investigation. April 17, 1973

Ladies and gentlemen:

I have two announcements to make. Because of their technical nature, I shall read both of the announcements to the members of the press corps.

The first announcement relates to the appearance of White House people before the Senate Select Committee, better known as the Ervin Committee.

For several weeks, Senator Ervin and Senator Baker and their counsel have been in contact with White House representatives John Ehrlichman and Leonard Garment. They have been talking about ground rules which would preserve the separation of powers without suppressing the facts.

I believe now an agreement has been reached which is satisfactory to both sides. The committee ground rules

as adopted, totally preserve the doctrine of separation of powers. They provide that the appearance by a witness may, in the first instance, be in executive session, if appropriate.

Second, executive privilege is expressly reserved and may be asserted during the course of the questioning as to any question.

Now, much has been made of the issue as to whether the proceedings could be televised. To me, this has never been a central issue, especially if the separation of powers problem is otherwise solved, as I now think it is.

All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions.

I should point out that this arrangement is one that covers this hearing only in which wrongdoing has been charged. This kind of arrangement, of course, would not apply to other hearings. Each of them will be considered on its merits.

My second announcement concerns the Watergate case directly.

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

Last Sunday afternoon, the Attorney General, Assistant Attorney General Peterson, and I met at length in the EOB to review the facts which had come to me in my investigation and also to review the progress of the Department of Justice investigation.

I can report today that there have been major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth.

If any person in the executive branch or in the Government is indicted by the grand jury, my policy will be to immediately suspend him. If he is convicted, he will, of course, be automatically discharged.

I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the Administration should be given immunity from prosecution.

The judicial process is moving ahead as it should, and I shall aid it in all appropriate ways and have so informed the appropriate authorities.

As I have said before and I have said throughout this entire matter, all Government employees and especially White House Staff employees are expected fully to cooperate in this matter. I condemn any attempts to cover up in this case, no matter who is involved.

Thank you.

NOTE: The President spoke at 4:42 p.m. in the Briefing Room at the White House.

54. On April 15, 1973 the Watergate prosecutors interviewed John Dean. The prosecutors were informed that Gordon Liddy and E. Howard Hunt had participated in the break-in at the office of Daniel Ellsberg's psychiatrist. Dean stated that not all the material from Hunt's safe has been turned over to FBI agents after the Watergate break-in, but that certain materials from the safe were personally handed by Dean to Gray.

54.1 Henry Petersen testimony, 9 SSC 3624-25.

54.2 Memorandum from Earl Silbert to Henry Petersen, April 16, 1973, Exhibit 27, United States v. Russo.

54.3 John Dean testimony, 3 SSC 1014.

54.4 Henry Petersen testimony, Watergate Grand Jury, February 4, 1974, 24-25 (received from Watergate Grand Jury).

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

96-298 O

WASHINGTON : 1973

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Mr. DASH. Around December 22, 1972, in connection with hearings on Mr. Bittman's motion, I understand, concerning certain items that were taken out of Mr. Hunt's safe, did Mr. Dean tell you that he had given certain items from Mr. Hunt's files to Mr. Gray?

Mr. PETERSEN. Yes, we had an all afternoon session which started around 2 or 2:30 p.m. in which we were interviewing Mr. Dean, Mr. Fielding—Fred Fielding of the White House staff, and Bruce Kehrli with respect to their search of Mr. Hunt's office immediately after it was ascertained that he had some part in the break-in.

Mr. Bittman in his motion on behalf of Mr. Hunt had alleged that there were two notebooks present among Mr. Hunt's possessions that were not accounted for in the FBI inventory and we were trying to determine where they were, if they existed, did the FBI agents have them, did Dean, Fielding, Kehrli come across them, did they retain them or what have you, and we spent all afternoon interrogating those three people anticipating they would be called as defense witnesses on the motion to suppress. At approximately 6:30 that evening my recollection is we were interrupted with news on the DeCarlo commutation.

Mr. Dean pulled me aside and said the statement in there were true, he had given everything to the FBI, but some documents he had given to Mr. Gray personally and I said, "Well, John, I just want to know one thing, are they related to Watergate," and he said, "They are absolutely unrelated." I said, "Well, if you are asked that question, you are going to have to tell the truth." I remember his answer very vividly. "Henry, I will tell the truth, I am not going to lie for that damn Ehrlichman. I may lie for the President but I am not going to lie for him." I said, "More than that, John, I am willing to take your word that they are not related to Watergate, but defense counsel is not going to be. Now if you are asked that question, those documents are going to have to be produced and you had better talk to Pat Gray about it" and he said he would. We broke up on that note and we were going to get back to it, supposedly.

I was off on a Christmas holiday. When we came back, negotiations were undertaken with respect to the plea of guilty by Hunt and at the suggestion of the prosecutors I approved the acceptance of a plea to three counts, the conspiracy count, burglary count, and eavesdropping count, which as I recall would have subjected them to about 25 years, and the court went us one better and insisted they plead to everything, which they did. With the acceptance of the plea the motion to suppress was not pressed and, of course, I guess I just no longer had in the forefront of my mind those documents or that question with respect to those notebooks.

Mr. DASH. Did there come a time when you followed up and asked Mr. Gray whether or not he did receive certain documents out of Mr. Hunt's safe from Mr. Dean?

Mr. PETERSEN. During the course of Mr. Gray's confirmation hearing he had occasion to call me about some point and in the course of that conversation I had asked him very casually if he had ever received documents from John Dean from Hunt's safe or office which were not given to the agents and he said, no. The next occasion came on or

about April 15 when John Dean was being debriefed by the prosecutors and he related this to him and Silbert asked me about it and I said yes, and told him I had asked Pat Gray and Pat Gray said no, and I went back to Pat Gray either on April 16 or 17 and asked him again, told him what John Dean had said, and he said Henry, that is not so. About this time I was having some discussion with the President about it. I had imparted this information to him and he said well, I think Dean is telling the truth on this, you ought to ask Ehrlichman. When I left there I went over to Ehrlichman's office and he was not there and I frankly did not bother going back to him. We double-checked with Dean's counsel and they were sure of it and I went back to Mr. Gray the following week, around the 25th, 26th, and asked him again and this time he said yes, that he had received such documents, that they had implied that he ought to destroy them, that he had taken them home over the weekend and brought them back and tore them up and threw them in the burn basket. I said—

Mr. DASH. Did he tell you why he had destroyed them, whether he was acting under instructions?

Mr. PETERSEN. Well, I asked him if he read them and he said no, and he said, well, they just said they were politically sensitive.

Mr. DASH. Did you say he did not know the contents of the papers?

Mr. PETERSEN. I asked him if he read them and he said he did not.

Mr. DASH. Where did you say that Mr. Gray went before he burned them?

Mr. PETERSEN. He went to Connecticut. He was in travel status, as I recall his statement to me, and after he received the documents he was going up over the weekend or to make a speech and took the documents with him and told me he brought them back to the office and tore them up and pointed down to the basket beneath his desk and said I put them in there.

Mr. DASH. Without reading them?

Mr. PETERSEN. That is right.

Mr. DASH. On the 26th, which was quite some time beyond the period we have been talking about. Mr. Gray has testified that on that day, apparently that is the day he did admit to you that he destroyed the documents, you said to him that you were scared and that you and he, Mr. Gray, were expendable and Mr. Haldeman and Mr. Ehrlichman were not expendable.

Did you say anything like that to him and, if so, why?

Mr. PETERSEN. I am not sure you have the time right. Mr. Dash. As I recall it, that was the night before Mr. Gray resigned. It was the day on which this item that we are discussing was publicized and I received a call from the President, as did Mr. Kleindienst in the evening, and the President asked me whether or not I thought Mr. Gray ought to resign and I told him that I thought Mr. Gray's position was untenable. And he said we will discuss it with the Attorney General. He, too, had talked to the Attorney General and, of course, I did discuss it with the Attorney General and pursuant to the President's instructions we asked Pat Gray to meet us and we did meet in the back office of Mr. Kleindienst's office and we discussed the situation and in my conversations with the President I expressed some sympathy for Mr. Gray, who I think most highly of. I have no hesitancy: I liked the man very much. And I told the President. "Mr. President.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

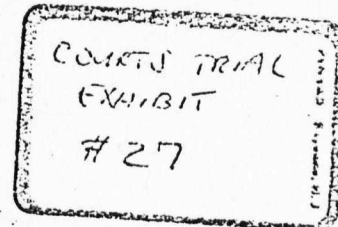
Memorandum

TO : Honorable Henry E. Petersen
Assistant Attorney General
Department of Justice

DATE: April 16, 1973

FROM : Earl J. Silbert
Principal Assistant
United States Attorney

SUBJECT: Daniel Ellsberg Prosecution



This is to inform you that on Sunday, April 15, 1973, I received information that at a date unspecified, Gordon Liddy and Howard Hunt burglarized the offices of a psychiatrist of Daniel Ellsberg to obtain the psychiatrist's files relating to Ellsberg. The source of the information did not know whether the files had any material information or whether any of the information or even the fact of the burglary had been communicated to anyone associated with the prosecution.

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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JUNE 25 AND 26, 1973
Book 3



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that Mitchell had met briefly with Ehrlichman but not with the President. Ehrlichman said that Mitchell was not talking which certainly did not surprise me. And I certainly was not surprised that he would not talk with Ehrlichman either. I then pulled the list I had prepared out of my pocket and told them that I had discussed everyone's problem with my lawyers and my lawyers had had conversations with the prosecutors as well and I thought that the following persons would be indicted. I then read them the list. I told them that my attorney had learned from his discussions with the prosecutors that not only was Dean the target of the grand jury but Ehrlichman and Haldeman were also very much targets of the grand jury. Ehrlichman said that he had just talked with Kleindienst a few days earlier about the grand jury and that he had no such report from Kleindienst. I said that my lawyer appears to know more than the Attorney General does because I believe he is probably more informed in that he had had direct conversations with the prosecutors. I did not tell them at that point that I had had private meetings with the prosecutors or that I had told the prosecutors of the extent of involvement of Haldeman and Ehrlichman. When this meeting ended I was quite confident that I had gotten the message through to Ehrlichman and Haldeman that they had a serious problem themselves and I had put them on final notice that I was not playing the coverup game any longer.

It was late that night that I realized that indeed, my message had gotten through. About 1 o'clock on Saturday night or Sunday morning, I received a call from Mr. Shaffer. He said that the prosecutors had called him and that they were going to have to breach the agreement they had made regarding keeping all of my conversations with them private. The prosecutors had reported to Mr. Shaffer that the Attorney General had called Mr. Petersen and them and wanted a full report on everything that was going on before the grand jury and where the grand jury was headed. The meeting with the Attorney General was to occur about 2 a.m., at the Attorney General's home. The prosecutors also reported that the reason they felt they had to breach the agreement was because the Attorney General was being summoned to the President's office the next morning to discuss the entire matter. I told Mr. Shaffer that I had hoped to tell the President personally that I had gone to the prosecutors several weeks ago but that I had understood why this was occurring and obviously there was nothing we could do about it. I told Shaffer that we certainly have gotten the message through to Ehrlichman and Haldeman that they have problems and that the coverup may begin to unravel at last.

On Sunday, April 15, I went to Mr. Shaffer's office for an all-day meeting. I learned during the day that Ehrlichman had been trying to reach me during the better part of the day but I decided not to return his call. When I returned home about 7:30, the White House operator called me again and said that Ehrlichman had been trying to reach me. I then returned his call. He told me that he was going back to the office to do some work that night and would be in about 8 p.m. and would like to meet with me very much. I told him I would meet with him.

I was quite aware of the reason that Ehrlichman wanted to meet with me because I was sure that he had learned from the President what was going on as a result of the President's meeting with Klein-

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS
OF 18 USC 2511 and 2512

191

Grand Jury Room No. 3
United States District Courthouse
3rd & Constitution Avenue, N. W.
Washington, D. C.

February 5, 1974

The testimony of HENRY E. PETERSEN was presented to
a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

JILL VOLNER
Assistant Special Prosecutor
U. S. Department of Justice

DV

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1 A Yes, I had several. A couple, three -- something
2 like that.

3 Q During the course of one or more of them, did the
4 President tell you that Gray claimed to have destroyed certain
5 material coming from Howard Hunt's safe?

6 A I don't recall that in a telephone conversation of
7 April 15th. It may have been. There came a time when in my
8 discussions with the President I eluded to that fact, you
9 know, that I had a problem with Gray and I told him that I
10 had inquired of Gray once, casually, to be sure and that Gray
11 had denied it.

12 And my recollection is, "Well, you better ask him
13 again," or, "You better ask Ehrlichman about that." So my
14 recollection is then I went to Gray and asked him and, again,
15 he denied it, and then I told the President, but that was in
16 the President's office and he said, "You ought to go see
17 Ehrlichman about that."

18 Well, I didn't want especially to talk to Ehrlich-
19 man. I thought I'd better ask him about this. And I went
20 over to his office and when I went to his office they said
21 he was with the President, whom I'd just left. So I never
22 did go back.

23 But I don't recall it in a telephone conversation.
24 It may have been.

25 Q Is it something that you first related to the

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[3845]

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1 President or did he first relate it to you, that there was
2 some possibility that Gray had destroyed something?

3 A I can't answer that. I would guess that I related
4 it to him, but --

5 Q You knew it much earlier than April? From Dean,
6 I take it? I'm sorry?

7 A No. No.

8 Q You knew in December --

9 A I knew in December that Dean -- that Ehrlichman
10 and Dean had given Gray something. I didn't know that that
11 was, in any way, related to the case. Indeed, I was assured
12 by John Dean that it wasn't.

13 And, secondly, I had told Dean on that occasion
14 that he better discuss it with Gray, and I might be willing
15 to take his word for it. It was going to come up his sup-
16 pression hearing and then it would have to be produced. But
17 I never did discuss with Pat Gray until during the course of
18 Pat Gray's confirmation hearings, and then I discussed with
19 Gray, on the telephone -- asked Gray the question on the
20 telephone and he said, "No."

21 It did not come up again until Dean was being de-
22 briefed and I may very well have told the President about it.
23 I'm certain I did and there was discussion about it. And
24 that discussion went on right up until the evening before
25 Gray's resignation. But I don't recall in the telephone

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[3846]